

Minutes of the Meeting of the
Arizona Game and Fish Commission
Friday, April 15, 2005 – 8:00 a.m.
Saturday, April 16, 2005 – 8:00 a.m.
Avondale City Council Chambers
11465 W. Civic Center Dr.
Avondale, AZ 85323

PRESENT: (Commission)

(Director's Staff)

Chairman W. Hays Gilstrap
Commissioner Joe Melton
Commissioner Michael M. Golightly
Commissioner William H. McLean
Commissioner Sue Chilton

Director Duane L. Shroufe
Deputy Director Steve K. Ferrell
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Shelley Cutts

Chairman Gilstrap called the meeting to order at 8:00 a.m. The Commissioners introduced themselves and Chairman Gilstrap introduced the Director and the Director's staff.

This meeting followed an agenda revision dated April 12, 2005.

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1. An Update on Current Issues, Planning Efforts, and Proposed Projects on State and Federal Lands in Arizona and Other Matters Related Thereto.

Presenter: Bob Broscheid, Habitat Branch Chief

The Commission was briefed on the latest developments relating to the implementation of land and resource management plans and projects on state and federal lands in Arizona and other related matters. A copy of this update titled Lands Update was provided to the Commission prior to today's meeting and is included as part of these minutes. The update presented any new information, as well as progress toward resolving ongoing issues and concerns since the March 2005 Commission meeting. This update is in fulfillment of the Department's commitment to brief the Commission on a regular basis regarding decisions and actions on all state and federal lands in Arizona.

Mr. Broscheid provided the Commission with some additional information regarding items in the update.

As a member of the Governor's Forest Health Advisory Council, the Department facilitated a workshop session at the Third Annual Forest Health and Safety Summit to solicit agency and public feedback on the effects of forest health projects, on fish and wildlife and their habitats, and how the needs of fish and wildlife should be incorporated into future forest health and fuel reduction planning processes. This feedback was summarized into recommendations that were presented to the Governor at the summit. These recommendations primarily included the need for additional biological data, the need for more public and agency education and collaboration, and that projects should not focus on benefiting single species, but rather use an ecosystem or watershed approach to benefit multiple species as well as their habitats. These recommendations

are being considered by the Governor's Office and will likely be incorporated into guiding principles or a strategy to apply appropriate treatments within the urban interface and larger forest landscape.

Ponderosa pine and other forest and habitats across the southwest are in an unnatural and ecologically unsustainable state and pose significant fire threats to fish and wildlife and their habitats. Restoration will occur either by catastrophic fire or by human intervention and feedback from the Forest Health Summit indicated that most prefer the later. However, the design and application of these projects remain highly controversial. At the center of this controversy are issues surrounding certain wildlife species and the impacts of forest health and restoration projects. The Department has been cooperating with other state and federal agencies to design treatments that consider the needs of fish and wildlife resources through the use of scientifically sound biological information. However, information gaps exist as to the short and long term effects of these treatments on wildlife and their habitats. Through research and monitoring, land and resource management agencies will acquire the scientifically sound biological data that can be used to resolve these controversies and drive management decisions. As the focus of reducing wildfire potential moves away from the urban interface and into the larger forest landscape over the next few years, the Department will be working with other land and resource management agencies to incorporate the needs of fish and wildlife resources and their habitats into the design of such treatments.

Commissioner Chilton stated that she appreciated that the Department was not only involved, but participating in a leading role. Further, Commissioner Chilton asked Mr. Broscheid if it would be helpful to have a recommendation from the Commission that would specify that we are asking the Department be involved in all aspects of this forest health planning process.

Mr. Broscheid affirmed that a recommendation would be helpful to the Department as far as clear expectations and how we should be involved in these projects as they progress in the future.

Motion: Chilton moved and McLean seconded THAT THE COMMISSION DIRECT THE DEPARTMENT TO TAKE A LEADERSHIP ROLE IN THE PLANNING AND FACILITATION OF LANDSCAPE-SCALE FOREST HEALTH AND RESTORATION PROJECTS TO ENSURE THAT THE NEEDS OF FISH AND WILDLIFE RESOURCES AND THEIR HABITATS ARE MAXIMIZED TO THE GREATEST EXTENT POSSIBLE. THE DEPARTMENT AND OTHER STAKEHOLDERS SHOULD USE AN ECOSYSTEM OR WATERSHED APPROACH TO DESIGN SUCH TREATMENTS THAT ENHANCE HABITATS FOR THE BENEFIT OF MULTIPLE SPECIES. THE DEPARTMENT SHOULD CONTINUE TO CARRY-OUT MUCH NEEDED RESEARCH AND MONITORING ACTIVITIES TO GUIDE THE DEVELOPMENT AND DESIGN OF FUTURE FOREST HEALTH AND RESTORATION TREATMENTS. THE DEPARTMENT SHOULD REQUEST TO BE INVOLVED IN ALL FEDERAL AND STATE PLANNING AND POLICY SESSIONS RELATED TO THE IMPLEMENTATION OF THE PRESIDENTS FOREST HEALTH PROGRAM.

Vote: Unanimous

Chairman Gilstrap asked Mr. Broscheid if he thought that the objectives outlined in the update would be incorporated into the plan and if there was a way that the Commission would know in advance so that we can go back and say we really need this.

Mr. Broscheid stated that the recommendations were derived from two breakout sessions and that the Forest Health Advisory Council are going to start working and formulating this into a plan. That plan can be brought to the Commission as a draft for approval.

Commissioner Golightly commented that he is pleased that we are going to be at the table, but questioned how we will know about some of the meetings in order to participate.

Mr. Broscheid replied that it would be through coordination and maintaining open communication with the federal agencies. With these recommendations it appears that the Governor's Office and both councils would like to portray that this needs to be a collaborative effort.

Mr. Broscheid continued with updates for the Commission.

The Department continues to participate as a cooperative agency in BLM's ongoing planning efforts associated with their field office planning areas including the five national monuments. Mr. Broscheid introduced Mike Taylor, Deputy State Director of BLM State Office, who was present to address the Commission and help provide an update on current planning efforts and other issues being considered by BLM during the development of these plans for the national monuments as well as the planning areas.

Mr. Taylor stated that BLM is required by the Federal Land Policy Management Act to have planned use management plans as a baseline for all their operations on BLM lands. It's been a long time since the last updated plans; the last time a plan was finished was in the late 1980's. Starting around 2000, when the monuments were declared in the State, they were able to get funding to start doing a revision of all of their plans. Currently, there are seven ongoing planning efforts.

It was determined early on that it was very important to do this as collaboratively as possible and with as much public input as possible. In talking with Director Shroufe about the Game and Fish Department becoming a cooperative agency in preparation of these plans, they agreed to jointly fund a position that would act as a liaison between BLM and the Department in these planning efforts. This has been an outstanding success even though there has been trouble at times; that speaks to the success of it. The Department liaison has been involved in all their planning efforts and the intent is to sort through and address what the Department really needs, as well as identify issues and work toward some language or resolution so when the preferred alternative comes out, it's something that is supported by the Department and BLM.

Recently the Phoenix Field Office held some outreach meetings with regard to the Sonoran Desert National Monument Plan and the Phoenix South planning effort. Those are two plans that are being done at the same time. There were concerns that the potential alternatives, which were put out to the public, didn't adequately address concerns of the Department, and that the Commission was concerned about some specific issues. It was good to get this information and it was needed; and even better, the need to coordinate and collaborate with some of the users

supported by the Department, such as the Arizona Desert Bighorn Sheep Society and the Yuma Valley Rod and Gun Club, was identified. BLM is going to engage in a lot more dialogue with them to find out some more of their specific concerns. This is the process that has been set up and it's a very open process. A lot of input is gained and a lot of issues are brought to the table early on so that those issues can be worked through and resolved before we go out with a preferred alternative.

Mr. Taylor further briefed the Commission on other BLM ongoing projects. There is an effort to get the preferred alternative prepared for the Vermillion Cliffs Arizona Strip Plan and they hope to have that completed by the end of September. There were plans to have this completed last fall, but through this process some issues were found that needed to be resolved, and so they reworked their plan considerably. The Agua Fria Bradshaw Foothills preferred alternative is due to be completed by September. The Yuma planning effort is ongoing; it's in the preparation stage of alternatives. The Havasu Plan is close to coming out with a preferred alternative; probably this summer. The Tucson Ironwood National Monument Plan is a little behind the others, but hopefully that preferred alternative will come out in early fall. They are in the beginning stages of a plan amendment for the lands in the Tucson Field Office that is not included in the Ironwood National Monument.

Commissioner Chilton commented on a statement she heard at a meeting that BLM was planning to get rid of some stock waters in an area where ranchers were no longer using them as opposed to keeping them open for wildlife.

Mr. Taylor stated that BLM considers wildlife as an important resource and keeping waters accessible to wildlife has been the standard. It is not their policy to get rid of waters.

The Commission commented on their appreciation of BLM and Mr. Taylor for their efforts to communicate and work cooperatively with the Department and other interested groups.

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2. Request from the Rio Salado Sportsmen's Club to reimburse 50% of the construction costs for a new septic system at the Usery Mountain Shooting Range after the system is built.

Presenter: Don Winslow, Education Branch Chief

In 2004 the Department entered into a voluntary program with the Arizona Department of Environmental Quality to remediate chemicals discovered in one of the septic systems of the Usery Mountain Shooting Range. The range is owned by the Commission and operated by the Rio Salado Sportsmen's Club.

Because of the chemical release, the septic system has been permanently shut down and the club is temporarily using a vault system to collect wastewater. Until a new septic system can be constructed, the club is bearing the cost of pumping the wastewater. It would be less expensive in the long run if the club could begin construction of a new system immediately.

These expenses are estimated at \$7,000-\$10,000; the Commission was asked to reimburse 50% of these expenses after the system is built. If the commission approves the club's request, the funds would come from the Commission's statewide shooting ranges emergency fund.

Public Comment

Joe Ortiz, Executive Officer of the Rio Salado Sportsmen's Club addressed the Commission. Close to 70,000 people a year are using the Utery Mountain Shooting Range. That includes 1179 law enforcement, 1000 in Hunter Education (a lot of kids), and about 46,000 people use the upper range. We consider that we bring people into a controlled environment to shoot and keep them safe as opposed to them going out in the desert to shoot.

Commissioner Golightly stated that the chemical was bluing and asked if the person suspected of causing the problem was no longer on the premises.

Mr. Ortiz stated that the person in question is still doing his gunsmith business on the property and has assured him that he did not and would not put chemicals in the septic system; in addition, he no longer has any chemicals in his shop.

Mr. Winslow stated that a hazmat policy is being created to implement with all the ranges. In this situation, the gun smith is no longer bluing or chemically operating. What he is doing is mechanically repairing firearms only.

Motion: Melton moved and Golightly seconded THAT THE COMMISSION VOTE TO APPROVE THE REQUEST OF THE RIO SALADO SPORTSMEN'S CLUB TO REIMBURSE 50% OF THE CONSTRUCTION COSTS FOR A NEW SEPTIC SYSTEM AT THE USERY MOUNTAIN SHOOTING RANGE.

Vote: Unanimous

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3. Statewide Shooting Range Briefing

Presenter: Don Winslow, Education Branch Chief

The Commission was given an update of Department activities related to shooting range support and development statewide. The update covered activities that have occurred since the March 2005 Commission meeting.

Department owned ranges:

Sierra Vista Shooting Range – The Tucson office of the BLM has indicated that it will accept our request for patent. Meantime, the Department is working with the State Land Department to acquire a perpetual right-of-way into the range, and has also prepared a new agreement with the Sierra Vista Rod and Gun Club for the development, operation and maintenance of the facility. In addition to the monies the Department is putting in, the Sierra Vista Rod and Gun Club has offered \$15,000 towards improvements. The new ADA accessible restroom should be

completed by the end of April. Lastly, the condition of the berms is being monitored closely and an effort to find dirt to build them up is being done by the Club.

Three Points Shooting Range, Tucson - The agreement to allow DPS operation of the range was sent to Governor Napolitano for signature in March 2005.

Usery Mountain Shooting Range, Mesa – The Rio Salado Sportsmen's Club has asked the Commission to reimburse the club for 50% of the costs of a new septic system. Regarding acquisition of the range, the Department continues to prepare the documents necessary to finalize the transfer of the property from Maricopa County to the Game and Fish Commission.

Shooting programs and other activities:

Northern Arizona shooting range - The Department remains committed to siting a shooting facility in the Flagstaff area and will work with the U.S. Forest Service to identify potential locations. Staff will meet with the U.S. Forest Service in April to establish a time line for the establishment of the range.

Scholastic Clay Target Program - SCTP training was held in Pinetop in March with seven new instructors attending. The Commissioners Cup skeet tournament has been scheduled for April 30, 2005 at the Tucson Trap and Skeet Club, while the Commissioners Cup sporting clays tournament is set for May 14-15, 2005 at the Ben Avery Clay Target Center. The Commissioners Club trap tournament will be held May 21-22, 2005 at Red Mountain Trap and Skeet.

Shooting range partnerships:

St. John, Arizona - Staff has held discussions with the Navajo Apache Sportsmen's Association concerning private lands located next to the proposed range.

Mr. Winslow updated the Commission on Senate Bill 1271, to allow a firearms safety and introduction to firearms in the schools, stating that it was passed and signed by the Governor. The Department has been talking with Senator Johnson's staff on how to create the curriculum and we are hoping to be able to launch the program by this coming school year. Calls are coming in from teachers across the state and we have 15 to 25 teachers that have indicated interest in the program. Our target for this program is the Future Farmers of America (FFA) with about 68 High Schools in the state and physical education teachers. This program will bring shooting sports back into the schools, and the tie to the shooting ranges is also extremely important; to be able to introduce these young people to a safe shooting environment. We have a lot of people stepping forward to try to help with this program.

Chairman Gilstrap suggested sending Senator Johnson a thank you for her leadership in this legislation.

Ben Avery Shooting Facility, Phoenix – Work has begun on the Hunter Education shooting range; a contractor is volunteering to bring in dirt and layout the core berms. Preparations continue on planned electrical system refurbishing on the Clay Target Center. A contractor has submitted plans and work is scheduled to begin in May 2005.

In regards to the request from Maricopa County for a trail to go across part of the Ben Avery Shooting Range, Mr. Winslow provided a map for the Commission. Other options of where the trail could go are still being explored with Maricopa County.

Director Shroufe stated that there are issues with the old sheep trail, which was the initial site for the trail. Even though it would not be a safety issue, there would be a perceived danger with firearms going off in the direction of the hikers. We've been working with BLM, the State Land Department and the City of Phoenix, and we are about to consummate a proposal that will move that trail.

Chairman Gilstrap confirmed with Mr. Broscheid that BLM has maps showing how they anticipate moving that trail to the west, in which case it will have little, if any, impact to the range.

Mr. Winslow continued his update in regards to another issue at Ben Avery. There was an issue with the contract for part-time employees and the Attorney General's Office advised to cease with the contract, which included 18 individuals who were working through a temporary service at the Ben Avery. This impacted Ben Avery in a number of ways, one being the Annie Oakley Program, which was being run by temporary employees through that service. In meeting with some of the Ben Avery user groups, the State Rifle and Pistol Association stepped forward to help continue having the Annie Oakley Program with the same women who were doing that particular program. The other major concern is safety and we are making sure that Line Safety Officers are there and that the volunteers are where they should be in order to continue the safe operation of Ben Avery.

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4. Consent Agenda

The following items were grouped together and noticed as consent agenda items to expedite action on routine matters. All items were presented to the Commission and none were deemed necessary to remove for further public input or discussion.

a. Request for Commission approval to renew the Special Land Use Permit for the Adobe Mountain Rehabilitation Center with the Arizona State Land Department.

Presenter: Bob Broscheid, Habitat Branch Chief

The Arizona Game and Fish Department maintains a wildlife rehabilitation holding center on one acre of land at the Adobe Mountain Correctional Facility located north of Phoenix. The wildlife center is operated by the Information and Education Branch of the Arizona Game and Fish Department, primarily as a rehabilitation center for sick and injured wildlife species. The center also serves as a temporary holding site for wildlife seized as a result of law enforcement investigations and pending court adjudications.

The rehabilitation center is basically operated in accordance with the provisions of an Interagency Agreement, dated June 16, 1983, between the Arizona Game and Fish Commission

and the Department of Corrections. However, the State Land Department requires a Special Land Use Permit (SLUP) for the acre of State Trust land on which the rehabilitation holding center is located. If approved, the SLUP will be effective until June 27, 2010.

Motion: McLean moved and Chilton seconded THAT THE COMMISSION VOTE TO APPROVE THE RENEWAL OF THE SPECIAL LAND USE PERMIT FOR THE ADOBE MOUNTAIN REHABILITATION CENTER WITH THE ARIZONA STATE LAND DEPARTMENT.

Vote: Unanimous

b. Request for the Commission to Approve a State Land Use Permit with the Arizona State Land Department for the Purpose of Statewide Wildlife Water Improvements on State Trust Lands.

Presenter: Bob Broscheid, Habitat Branch Chief

The Arizona Game and Fish Department's Habitat Development Program (Department) has and continues to place several types of rainwater recovery, storage and dispensing structures (improvements) on State Trust lands. This Special Land Use Permit allows the Department to continue to access, repair, develop and build those improvements on State Trust lands throughout Arizona.

Motion: McLean moved and Chilton seconded THAT THE COMMISSION VOTE TO APPROVE A STATE LAND USE PERMIT WITH THE ARIZONA STATE LAND DEPARTMENT FOR THE PURPOSE OF STATEWIDE WILDLIFE WATER IMPROVEMENTS ON STATE TRUST LANDS AND EXECUTE THE AGREEMENT.

Vote: Unanimous

c. Request for Commission Approval for Renewal of the Ten-Year Right-of-Way, No. 018-054207 for Continued Access into Emigrant Canyon in Cochise County and to Pursue Acquisition of a Right-of-Way Agreement in Perpetuity from the Arizona State Land Department.

In May of 1994, the Commission approved a ten (10) year Right-of-Way from the State Land Department (SLD) for roadway access through Emigrant Canyon. The current 10-year Right-of-Way expires April 19, 2005. Although the Department would like to purchase the Right-of-Way in perpetuity, the State Land Department advised that we renew the 10-year Right-of-Way at this time, pending resolution of issues related to Cochise County reorganization. The Department should then apply for Right-of-Way in perpetuity. Any unused rent applied to the 10-year Right-of-Way should be credited toward the purchase price. Funding for the 10-year Right-of-Way and the purchase of the Right-of-Way is from the Heritage Access Program.

Motion: McLean moved and Chilton seconded THAT THE COMMISSION VOTE TO APPROVE RENEWAL OF THE TEN-YEAR RIGHT-OF-WAY, NO. 018-054207 FOR CONTINUED ACCESS INTO EMIGRANT CANYON IN COCHISE COUNTY AND TO PURSUE ACQUISITION OF A RIGHT-OF-WAY AGREEMENT IN PERPETUITY FROM THE ARIZONA STATE LAND DEPARTMENT AND AUTHORIZE THE DEPARTMENT

TO ENTER INTO ALL RELATED DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTIONS APPROVED HEREIN.

Vote: Unanimous

d. Request for the Commission to Approve a Special Land Use Permit from the Arizona State Land Department in Conjunction with the Gerald H. Turley Trail (Heritage Grant number P93024). The Permit is for the Purposes of Providing Access to the Trail System and for Associated Public Parking.

Presenter: Bob Broscheid, Habitat Branch Chief

In 1992, the Commission approved a Yavapai County/Yavapai Trials Association Heritage Grant (No. P93024) proposal for the construction of a hiking trail and an associated parking area on Arizona State Trust lands near Prescott, Arizona. Also approved at that time was a ten (10) year Special Land Use Permit (SLUP) for additional public parking on a contiguous approximately one and one half acre parcel.

Motion: McLean moved and Chilton seconded THAT THE COMMISSION VOTE TO APPROVE A SPECIAL LAND USE PERMIT FROM THE ARIZONA STATE LAND DEPARTMENT IN CONJUNCTION WITH THE GERALD H. TURLEY TRAIL (HERITAGE GRANT NUMBER P93024). THE PERMIT IS FOR THE PURPOSES OF PROVIDING ACCESS TO THE TRAIL SYSTEM AND FOR ASSOCIATED PUBLIC PARKING, AND EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

e. Request for Commission Approval of a Right-of-Way Agreement Between the Commission and Arizona Public Service for Continued Utility Services to a Well at the Commission's Robbins Butte Wildlife Area, Maricopa County, Arizona.

PRESENTER: Bob Broscheid, Habitat Branch Chief

In April 1995, the Commission approved the renewal of a right-of-way agreement with APS for continued utility services to a well on the Commission owned Robbins Butte Wildlife Area. The electric line provides service only to the well and Arizona Public Service has requested a renewal of the agreement. The agreement will be valid for a period of 10 years beginning at the expiration date of the original agreement. The Commission has found that use of this land for right-of-way purposes for electrical service is in furtherance of the public interest.

Motion: McLean moved and Chilton seconded THAT THE COMMISSION VOTE TO APPROVE A RIGHT-OF-WAY AGREEMENT BETWEEN THE COMMISSION AND ARIZONA PUBLIC SERVICE FOR CONTINUED UTILITY SERVICES TO A WELL AT THE COMMISSION'S ROBBINS BUTTE WILDLIFE AREA, MARICOPA COUNTY, ARIZONA AND AUTHORIZE THE DIRECTOR TO EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY OFFICE OF THE ATTORNEY GENERAL.

Vote: Unanimous

f. Request for the Commission to Approve an Agreement with the Sierra Vista Rod and Gun Club, Inc., for the Continued Development, Operation, and Management of a Public Shooting Range and Related Recreation Facilities for the Sierra Vista Shooting Range, Cochise County, Arizona

Presenter: Bob Broscheid, Habitat Branch Chief

The Commission currently leases 622 acres of land from the Bureau of Land Management (BLM) under the Recreation and Public Purposes Act for the Sierra Vista Shooting Range. This property has been leased to the Sierra Vista Rod and Gun Club (Club) for the operation and maintenance of the Sierra Vista Shooting Range since 1984. The Club has requested renewal of the Agreement to continue operation and maintenance of the Sierra Vista Shooting Range.

This agreement would renew the current lease with the Club concurrent with the BLM lease. The BLM is in the process of preparing a Patent to the Commission for the Range.

Motion: McLean moved and Chilton seconded THAT THE COMMISSION VOTE TO APPROVE AN AGREEMENT WITH THE SIERRA VISTA ROD AND GUN CLUB, INC. FOR THE CONTINUED DEVELOPMENT, OPERATION, AND MANAGEMENT OF A PUBLIC SHOOTING RANGE AND RELATED RECREATION FACILITIES FOR THE SIERRA VISTA SHOOTING RANGE, AND EXECUTE THE AGREEMENT AS ATTACHED OR AS RECOMMENDED OR APPROVED BY THE OFFICE OF THE ATTORNEY GENERAL OR BY THE BUREAU OF LAND MANAGEMENT.

Vote: Unanimous

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5. State and Federal Legislation

Presenter: Anthony Guiles, Legislative Liaison

Mr. Guiles handed out his Weekly Report to the Commission. It was a busy month in terms of legislation. As Mr. Winslow mentioned, S1271 passed and Mr. Guiles reported on several other bills.

H2127, Big Game Transfer: Passed and was signed by the Governor; will go into effect for this fall's hunt. We are working on implementation and looking for an indication that people will participate in this program.

H2613, Forest Health Amendments: Passed, but vetoed by the Governor. Mr. Guiles has not seen the veto message, but knows that they expressed some problems with the bill in terms of the policy committee and a couple other factors.

There was a lot of activity on the License Fee Bill. It came out of the Senate, went over to the House, and was assigned to the County, Municipalities, and Military Affairs' Committee. It received a unanimous vote there, and then it was assigned to the Appropriations Committee. We

had it withdrawn from that Committee and currently we are waiting for an assignment to the Rules Committee. We've been caught between a couple of political battles. This bill is being held as a pawn in the budget negotiations in terms of the Zuni Water Settlement Bill. It was introduced with General Fund appropriations and then amended in the Senate to include Heritage Funds. It was then amended again in the House to go back to General Fund appropriations. Our sponsors in the Senate and the House have indicated that if the Department can find alternative funding, they may be able to move our license fee bill. One of our sponsors implied that the Speaker has indicated that it wasn't a done deal whether we found alternative funding or not. Our sponsor suggested that we meet with the Speaker's office as soon as possible about what some of the alternatives may be and also about moving our license fee bill forward.

Chairman Gilstrap confirmed with Mr. Guiles that he would be working on meeting with the Speaker and his staff as soon as possible and suggested having some of the stakeholders included in that meeting.

Commissioner Golightly suggested that it may not be a good idea to have stakeholders at the meeting since the main purpose of this meeting would be to discuss different funding source possibilities.

Chairman Gilstrap believed that the stakeholders would lend weight to not using Heritage Funds.

Director Shroufe commented that he would like to have both Chairman Gilstrap and Commissioner Golightly at that meeting.

Regarding H2643, Multi-Species Conservation Plan and H1365, Game and Fish Fees, there was a conflict between these two. We had a meeting with staff from both the House and the Senate to draft an amendment to correct the problem, and we have to go back to the Senate for an additional vote. Senator Cannell has indicated that we would have adequate votes to get it passed again.

In regards to Representative Nichols concern over the language in H1365, the concern was regarding the archery deer tags, archery javalina tags and archery turkey tags, and that the Department was going to get rid of all archery hunting in the State of Arizona. We assured him that this was not the case; however, he wanted to have some language specifying legislative intent. There was also a concern about over-the-counter permits for archery. We have been working on drafting that change with legislative council to satisfy those concerns.

The Commission discussed their concerns with Mr. Guiles about the legislature changing the language in the bill. Concerns were that the new language may interfere with the Commission's authority, and also that amending such critical legislation this late in the legislative session could cause additional issues in getting the bill passed. Mr. Guiles stated that the legislature has the right to amend bills and it was in the Department's best interest to work with them on those changes. Mr. Guiles assured the Commission that in drafting this, the Department would not do anything to compromise the Commission's authority and that Mr. Guiles would bring the draft back to the Commission for approval.

Chairman Gilstrap requested that the Department go back one more time and try to satisfy Representative Nichols' concerns without drafting an amendment.

Steve Ferrell addressed the Commission and clarified the situation. The amendment originally discussed with Chairman Gilstrap and Commissioner Golightly was the interest by House staff to fix the language between the Multi-Species Conservation Plan (MSCP) and the Game and Fish Fee bill. What was originally agreed to with House staff was that those two pieces of legislation would continue on with the language as it was. Since then, the House staff changed their mind and said they really wanted that language changed before the session was over and they wanted to change it in our bill. That's when we discussed with both Chairman Gilstrap and Commissioner Golightly and sought your agreement to go ahead and draft that amendment provided that Senator Cannell could assure that 20 votes still existed in the Senate; and we did get that assurance from Senator Cannell.

What happened since then was that either House staff, representing Senator Nichols' concerns, or Representative Nichols himself said that as long as we're going back to the Senate with the amendment to correct the language in the MSCP, why don't we go ahead and satisfy his concern by changing the language in that amendment to take care of the archery issue too. Mr. Ferrell did not sense that there was a great deal of conspiracy within Senator Nichols' constituency that he was trying to respond to, and he believed that Senator Nichols' concerns were personal because he's an archer and is not understanding the technical change in striking archery turkey, javalina and deer from the statute. It was explained to him that it was unnecessary language with the new Game and Fish Fee bill and his concern then shifted to making sure that over-the-counter tags are still going to be in Arizona's future.

That's when we got a little concerned about what that would do to future Commission authority because there could be a chance that the Commission's going to want to permit either of those species archery hunts in the future, either from biological need or social need. We explained to him that this has already been in front of the Commission for almost 10 years on the Kaibab alone, and that the Commission has consistently rejected the notion of permitting archery on the Kaibab because there is no biological purpose for doing so and the social need seems to be evenly divided. But, at some point there could be a time when the Commission may want to do that and we did not wish to have to go to the legislature to get permission to basically validate what is already the Commission's authority. We didn't want to do anything that would abrogate the Commission's authority with the legislature. So, the Department is on the same page as the Commission with concerns about what Representative Nichols' interest might do to future Commission authority.

Chairman Gilstrap concurred with the concerns expressed by Mr. Ferrell, and in addition expressed concern over the lag in communication.

Commissioner Golightly stated that from day one, the Commission has fought off personal agendas from legislators trying to attach their little tidbit to this bill.

Mr. Ferrell suggested that the Commission direct the Department to proceed with the amendment to clear up the language between the MSCP and the Game and Fish Fee bill and go back to Representative Nichols and say we are not comfortable with also addressing his issue in the amendment.

Commissioner Golightly stated that the Commission has not had the opportunity to do that and have not had the opportunity to talk to Representative Nichols and help him realize that we don't need unnecessary language in the bill to give assurances on a personal level and when his concerns are already in statute.

Motion: Golightly moved and McLean seconded THAT CHAIRMAN GILSTRAP AND COMMISSIONER GOLIGHTLY CONTACT REPRESENTATIVE NICHOLS AND ASSURE HIM THAT THERE WAS NO INTENT BY THE COMMISSION TO ELIMINATE OVER-THE-COUNTER ARCHERY TAGS; FURTHER THE DEPARTMENT WILL DRAFT A LETTER FOR CHAIRMAN GILSTRAP'S SIGNATURE STATING THAT IT WAS NOT THE INTENT OF THE COMMISSION, EITHER EXPRESSED OR IMPLIED, TO CHANGE THE MANNER IN WHICH ARCHERY TAGS ARE DISTRIBUTED FOR DEER, TURKEY AND JAVALINA AS A RESULT OF THIS LEGISLATION, ALLOWING THE COMMISSION TO ADDRESS THE ISSUE IN THE FUTURE DUE TO THINGS OTHER THAN THAT PIECE OF LEGISLATION, SUCH AS FUTURE BIOLOGICAL OR SOCIAL NEEDS.

Vote: Unanimous

Mr. Guiles continued with his report. On S1459, River Reservoir Appropriation, there was some concern that this would include the Heritage Fund or the State Lake Improvement Fund. That bill went through the Appropriations Committee in the House with General Fund monies for repair of that dam. It's still waiting for a hearing in Rules and then it will go to the floor.

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Meeting recessed for a break at 9:50 a.m.

Meeting reconvened at 10:00 a.m.

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6. Request for Commission Approval for the Department to Continue to Operate Under and Extend the 1999-2004 Watercraft Strategic Plan Through 2007 When Wildlife 2012 is Implemented.

Presenter: Kevin Bergersen, Wildlife Enforcement Program Coordinator

The 1999-2004 Watercraft Strategic Plan expired at the end of December 2004. The planning and development of the 2012 Strategic Plan is scheduled to begin in July 2005 with a scheduled implementation date of January 1, 2007. The Goals, Objectives and Strategies of the 2004 Watercraft Strategic Plan resulted in very positive and publicly favorable results for the Department's Boating Safety Program. In addition, the Department's Law Enforcement Branch reviewed the expired plan. With the exception of the Aids to Navigation MOU with the Tonto National Forest that has expired, the Law Enforcement Branch does not anticipate any significant changes occurring within the plan's goals, objectives and strategies. The Law Enforcement Branch recommends that any approval to operate under the expired 2004 Watercraft Strategic plan include language noting the expiration of the Aids to Navigation MOU. Given the short time frame before the beginning of the 2012 Strategic Plan planning process (July 2005), the Law Enforcement Branch's recommends extending the 2004 plan's authority that would allow the Department to operate under listed in the 2004 Strategic Plan goals, objectives and strategies.

Motion: Melton moved and Golightly seconded THAT THE COMMISSION VOTE TO EXTEND THE 2004 WATERCRAFT STRATEGIC PLAN'S AUTHORITY AND ALLOW THE DEPARTMENT TO OPERATE UNDER 2004 WATERCRAFT STRATEGIC PLAN GOALS, OBJECTIVES AND STRATEGIES UNTIL THE 2012 STRATEGIC PLAN BECOMES EFFECTIVE.

Vote: Unanimous

Chairman Gilstrap asked Mr. Bergersen if the Department was still setting buoys on the lakes in Tonto National Forest.

Mr. Bergersen stated that the Department is no longer placing any Aid to Navigation within the Tonto National Forest boundary. We have reduced the Aid to Navigation program in response to this change and have reduced the overall number of navigational buoys from 1100 to 300, and that reduction reflects that the U.S. Forest Service is now actively implementing that program themselves.

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7. Request for the Commission Approval of the Program Narrative for U.S. Coast Guard Boating Safety Funds (Federal FY 2005 / State FY 2006).

Presenter: Kevin Bergersen, Wildlife Enforcement Coordinator

The Program Narrative detailing the expenditure of U.S. Coast Guard (USCG) boating safety funds by the Arizona Game and Fish Department was provided to the Commission prior to this meeting for consideration and approval. Currently, USCG boating safety funding has only been granted in the amount of a two-thirds allocation with the remaining one-third funding pending congressional approval in early summer. It is our intent to submit a request for two-thirds of our funding allocation at this time. We will submit a request for the remaining one-third of the funding once it receives congressional approval later this year. The attached narrative details the Department's watercraft activities and obligations for State FY 2006 that will use the entire budget amount once approval is granted by the USCG.

The Narrative outlines the program objectives based on the Department's Mission and goals, as well as the immediate and long-term needs of the State's boating community. It addresses the grant period of October 1, 2004 to September 30, 2005, and reflects the legislatively mandated watercraft responsibilities of the Arizona Game and Fish Department.

Motion: Chilton moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE PORTION OF THE DEPARTMENT'S WATERCRAFT SAFETY PROGRAM FUNDED BY THE U.S. COAST GUARD MONIES PURSUANT TO THE FEDERAL BOATING SAFETY ACT OF 1971 FOR THE ENTIRE ALLOCATION.

Vote: Unanimous

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8. Petition by Mr. Hugo J. DellaValle for a Hearing Before the Commission for Consideration to Reinstate his Bonus Points for Bighorn Sheep.

Presenter: Larry Voyles, Yuma Regional Supervisor

Mr. Hugo J. DellaValle requested a hearing for reinstatement of his bonus points due to the circumstances that occurred during his desert bighorn sheep hunt in Unit 46A, Hunt No. 6035, December 1-31, 2004. In general, Mr. DellaValle stated he feels his request is warranted because continuous disruptions, including vehicles, planes, helicopters and people in the Cabeza Prieta Wildlife Refuge, contributed to his failure to harvest a bighorn sheep during this hunt.

The Department has reviewed the information provided by Mr. DellaValle and the circumstances surrounding this hunt, and does not believe that any actions by the Department were a significant contributing factor to Mr. DellaValle's lack of success during this hunt. Most of the incidents of disturbance described by Mr. DellaValle appear to be activities that are normally associated with illegal immigration traffic and drug interdiction activities that may occur during hunts along the U.S./Mexico border.

Motion: Melton moved and Golightly seconded THAT THE COMMISSION VOTE TO DENY THE PETITION FOR A HEARING TO REINSTATE MR. HUGO J. DELLA VALLE'S BONUS POINTS FOR BIGHORN SHEEP.

Commissioner McLean stated that people, especially outside of Arizona, don't realize the amount of traffic in that area of the state. We put footnotes in the hunt regulations, so how can we better communicate to people that there are other factors that may influence these hunts, especially on the bighorn sheep hunts along the border in the winter time; there is constant traffic through those hunt units. Maybe those footnotes should be moved to the hunt booklet pages.

Chairman Gilstrap commented that there may be potential safety or vandalism issues that hunters could be subjected to and maybe we need to be more creative in how to communicate these potential problems.

Commissioner Melton commented that he agreed with Chairman Gilstrap and further stated that people including our legislators seem to be ignoring the problem of illegal immigrants coming across the borders.

Commissioner Chilton stated that hunters are noticed along with their sheep tags that some of these units are physically demanding, and that along with that notice we could point out other challenges they might encounter.

Mr. Voyles stated that we could work with the Game Branch and the Attorney General's Office to draft some language to notice people that the border area is an area of intense law enforcement and that there may be some safety issues.

Vote: Unanimous

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9. First Read: Initial draft of Arizona's Comprehensive Wildlife Conservation Strategy.

Presenter: Bruce D. Taubert, Assistant Director, Wildlife Management Division

Mr. Taubert provided a Power Point presentation on the initial draft of Arizona's "Comprehensive Wildlife Conservation Strategy" for the Commission's first read. The Commission was provided with a copy of this draft prior to today's meeting.

The Comprehensive Wildlife Conservation Strategy (CWCS) is a new 10-yr strategic plan the Department is developing in coordination with numerous partners and with public input. The CWCS is a congressional requirement to continue to be eligible for State Wildlife Grant Program funding. All States and Territories must have their CWCS plans submitted and accepted by October 1, 2005. If the plan is accepted and Congress agrees, we have the potential to see an increase in CWCS funding to around 8 million dollars. Currently, we are receiving congressional appropriation every year of around 1.4 million dollars.

Commissioner Melton commented on how impressed he was with the amount of research that the Department does that backs up a document like this, and also that he would like to see that research used in some other areas.

Mr. Taubert clarified a couple of items for Commissioner Golightly and further briefed the Commission, discussing several details of the draft. In addition, Mr. Taubert pointed out that the CWCS is not a substitute for the Wildlife Strategic Plan. The CWCS is something that allows the Department to obtain funding from Congress and it will guide the expenditure of those funds. There will be some overlapping with the Wildlife Strategic Plan, but some things not covered by this plan are covered in the Strategic Plan.

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10. Call to the Public

There were no request to speak by the Public.

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11. Executive Session

a. Legal Counsel. The Commission voted to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A)(3) and (4) for the purpose of discussing and consulting with legal counsel in order to consider its position and to instruct legal counsel regarding the Commission's position on *Montoya v. Manning*, CIV98-0239 PHX RCB; *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *Ameduri and Yee et. al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02 2495 PCT FJM; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT; *Arizona Zoological Society, et. al. v. BLM*, IBLA appeal no. 2002-412; *Audubon Society of Portland v. USFWS*, CV04-670-KI; and *State of Arizona v. George H. Johnson*, CV2005-002692.

Motion: McLean moved and Golightly seconded THAT THE COMMISSION GO INTO EXECUTIVE SESSION.

Vote: Unanimous

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Meeting recessed for lunch at 12:15 p.m.

Meeting reconvened at 2:00 p.m.

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12. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife at Time Certain 2:00 p.m. The Commission will consider and take action on the license revocations and/or civil assessments for the individuals listed below.

Presenter: Craig McMullen, Acting Law Enforcement Branch Chief.

Record of these proceedings is maintained in a separate minutes book in the Director's Office.

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13. Rehearing Request Regarding Previous License Revocation/Civil Assessment.

Presenter: Craig McMullen, Acting Law Enforcement Branch Chief

On the 10th Day of September, 2004, Clarence Earl Danek was convicted in the Yuma Justice Court for: Count A: Take wildlife during closed season (Prairie Falcon). On December 10, 2004, the Commission revoked Mr. Danek's hunting, fishing, and trapping licenses for a period of five (5) years, invoked a civil assessment of \$121.54 and further required him to complete Hunter Education before obtaining any license(s) to take wildlife in the State of Arizona. Mr. Danek has requested a rehearing of this matter and decision.

This subject was notified by certified mail that the Commission will consider this request at the April 15, 2005, meeting, at 2:00 p.m. following any other scheduled hearings. The Commission was provided with the case summary and other pertinent information relating to this case prior to this meeting.

Mr. Danek was not present.

Motion: Chilton moved and Melton seconded THAT THE COMMISSION, BASED ON THE CONCLUSION THAT NONE OF THE CAUSES LISTED IN COMMISSION RULE R12-607 SECTION D EXIST, VOTE TO AFFIRM ITS ORIGINAL DECISION AND NOT GRANT A REHEARING.

Commissioner Melton commented that there was no further evidence to consider, therefore no reason to justify a rehearing.

Vote: Unanimous

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14. Litigation Report

Presenter: Jim Odenkirk, Assistant Attorney General

A copy of this report was provided to the Commission prior to today's meeting and is included as part of these minutes.

In regards to the litigation with George Johnson, Mr. Odenkirk asked the Commission to authorize the Department to dedicate up to \$50,000 for litigation related expenses and services associated with that lawsuit.

Motion: Golightly moved and Melton seconded THAT THE COMMISSION AUTHORIZE THE DEPARTMENT TO DEDICATE UP TO \$50,000 FOR LITIGATION RELATED EXPENSES AND SERVICES ASSOCIATED WITH THE GEORGE JOHNSON LAWSUIT.

Vote: Unanimous

Mr. Odenkirk further briefed the Commission on Ameduri, the Bellemont Shooting Range, referring to his litigation report where the parties have filed a stipulated motion to vacate the judgment. After the litigation report was submitted, Mr. Odenkirk received an order from the Court granting that stipulation. That resolves this case and there are no further actions pending in this lawsuit.

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15. Call to the Public

There were no request from the public to speak.

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16. Director's and Chairman's Reports.

Chairman Gilstrap reported that most of his activity has been centered around the capitol working with the legislature. He attended the Arizona Elk Society dinner and silent auction, which generated a lot of money. He attended a meeting with a variety landowner, sportsmen and cattlegrowers, etc. in regards to Ranching for Wildlife. There was a lot of participation and identifying of issues and potential solutions. He also visited the Ben Avery Shooting Range and discussed potential alternatives for a trail through Ben Avery.

Director Shroufe reported on several of his goals and objectives.

Goal 1 - Access to Public, Private and State Lands – The Department is working with Congressman Grijalva and Congressman Kolbe on a land exchange on the north side of the

Whetstone Mountains that would guarantee permanent access to a large block of public Forest Service land.

On April 1 and April 5, the Department met with Mr. Trujillo of the Navajo Nation and they committed that the Big Boquillas Ranch would be open to public access this hunting season. In return for that we are creating a supplemental agreement that would provide them with some grading of roads, habitat projects, tank cleaning, and things of that nature. However, they still have landowner tags in mind and are not giving that idea up, but it won't be this year. Another request Mr. Trujio made is that their Natural Resource Council have a joint meeting with the Arizona Game and Fish Commission.

Goal 2 - Continue to Work with Local, State, Regional and National Levels of Federal Land Management Agencies to Secure All the Authorities and Agreements Possible Regarding the Management of Wildlife in Arizona on Public Lands – Department staff spent a week at the North American Resource Conference and met with the Chief of the Forest Service and the Director of BLM. We had several meetings concerning the revision of the MOU with BLM and the Forest Service about wildlife management and wildlife in wilderness areas. The other area we are working on is implementing the National Wildlife Refuge Organic Act in implementing policies on the ground to benefit wildlife, hunting and fishing on wildlife refuges.

Goal 3 - Renew focus on Statewide Shooting Range Program – Department staff is meeting with the Director of Veteran's Affairs and will talk to him about the possibility of putting a range on the Navajo Army Depot.

Goal 6 - Ensure Revenue Streams and Find New Sources – The Department has been working on the Comprehensive Wildlife Strategy and has been working with Congress to ensure that we will receive at least equal or more money than last year with State Wildlife Grants.

Goal 7 - Direct Department Efforts/Resources Towards Evaluation of Listed Threatened and Endangered Species – The Department has been very active with the Western Governor's Association. The Arizona Game and Fish has been pointed out as being one of the leading wildlife agencies in the nation in participating in recovery plans and things of that nature. There is a good effort this year to overhaul the Endangered Species Act or some aspects of it. We've been asked to provide information to be used as a major emphasis to try to involve other states in more of these endangered species issues.

Goal 10 - Improve Public Understanding of Predator Management Including Social and Scientific Aspects and Affect Appropriate Management Changes – The Department started the aerial coyote gunning with news releases done beforehand as usual. There was some interest on local TV in Phoenix, but there were very few calls in response to that coverage.

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17. Commissioner's Reports.

Commissioner Chilton reported that she attended meetings in Washington D.C.

Commissioner McLean reported that he attended an NRA Banquet and several fundraisers. He also worked with Richard Rico on the RFP for the online draw.

Commissioner Melton attended a meeting regarding options for Ranchers other than tags. He also helped put in water holes and went on a coyote hunt.

Commissioner Golightly spent time at the legislature. He also toured the Kaibab, and went on a tour regarding jaguars noting that the President of Mexico has declared this year the Year of the Jaguar.

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18. Approval of Minutes

There were no minutes approved. The Commission signed the minutes dated February 3, 2005.

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Meeting recessed at 3:45 p.m.

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Saturday, April 16, 2005 – 8:00 a.m.

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Chairman Gilstrap called the meeting to order at 8:00 a.m. The Commissioners introduced themselves and Chairman Gilstrap introduced the Director, and the Director's staff.

This meeting followed an agenda revision dated April 12, 2005.

Awards and Commissioning of Officers

Director Shroufe presented service pin awards to employees of the Arizona Game and Fish Department as follows:

20 Years of Service – Dave Conrad, Becky Wright, John Hervert, Linden Piest, George Hayes, Pat Crouch, Bob Miles, Connie Adams

25 Years of Service – Henry Apfel, Dan Dymond, Matt Peirce, Randy Smith, Todd Pringle, Bon Buckley, Tom Puckett, Marc Dahlberg

30 Years of Service – Dennis Darr, Tim Pender, Larry Voyles, Lowell Whitaker, Gene Sturla, Gene Okamoto

Steve Ferrell announced Bob Price, Region II Field Supervisor, as the recipient of the 2004 Shikar Safari Club International Outstanding Wildlife Officer of the Year Award. Bob Hitchcock, President of the Shikar Safari Club International, was present and presented Mr. Price with the award.

Director Shroufe presented Mr. Hitchcock with a plaque as a token of appreciation for the Shikar Safari Club International's donation of an airplane to the Department and for their continued support of the Department and the Department's programs.

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Meeting recessed for a break at 9:10 a.m.

Meeting reconvened at 9:30 a.m.

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1.a. Potential Draw Issues Associated with Implementation of the 15% Set Aside for Bighorn Sheep.

Presenter: Richard Rico, Assistant Director, Special Services

The Commission was provided with information prior to today's meeting regarding potential draw issues associated with bighorn sheep as a result of modifications to rule R12-4-114(E); specifically, the change from a 10% cap to a 15% set aside for non-resident hunters. The Department recommended that the Commission vote to suspend enforcement of the provisions related to the requirement that not more than 50% nor more than two bighorn sheep permit-tags in any hunt be issued to non-residents.

In January 2005, the Commission directed the Department to finalize modifications to rule R12-4-114E by eliminating the requirement that no more than 10% of the total available bighorn sheep hunt permits in any calendar year could be issued to non-resident hunters. This change was a result of the Commission's efforts to comply with the United States District Court ruling in *Montoya v. Shroufe*. In lieu of the 10% cap and after a thorough evaluation of historic resident/non-resident application rates, the Commission directed the Department to implement a 15% set aside for non-residents applying for bighorn sheep. This change requires the Department to issue 15% of all available bighorn sheep tags to non-resident hunters. The second part of the rule keeps the requirement that not more than 50% nor more than two bighorn sheep permit-tags in any hunt can be issued to non-residents. While this portion of the rule ensures resident hunt opportunity in units with limited permits, there is a remote possibility the 15% set aside for non-residents would not be met.

As an example, there are 80 sheep tags authorized for the 2005 Fall Drawing. However, only 31 of the 80 tags can potentially be issued to a non-resident. Therefore, it is conceivable that all 12 (15%) of the nonresident tags would not be issued in the Draw depending on an applicants' hunt choices. This could result in tags being available during the first-come/first-serve process to non-residents only. While this is very unlikely to occur, the Department wants to ensure that everyone involved in this process understands how it will work. In discussions with the Arizona Desert Bighorn Sheep Society (ADBSS), they are fully supportive of the rule as currently written and agree that if this situation were to occur, the tag(s) would need to be issued to non-residents in the first-come/first-serve process to ensure the provisions related to the 15% set aside were met.

If the Commission does not find this solution to be satisfactory, several other options exist. Since the Commission adopted the 15% set-aside in an effort to satisfy the constitutional

standard required in the Montoya decision, if the Commission believes the restrictions in the rule apply in a manner that nonresidents may not receive 15% of the permits, the rule may not meet the Montoya standard. As the Commission has done in the past, it may decide to suspend enforcement of a portion of a rule it has a reasonable belief may be unconstitutional.

This action would allow all non-residents to potentially be drawn for any hunt in order to satisfy the 15% set aside requirement. It would also ensure that no tags are available in the first-come/first-serve process. However, it could also reduce resident hunt opportunity in areas with a very limited number of permits and is an option that is not supported by the ADBSS.

The Commission could also decide to identify the 12 permits to be set aside for non-residents with the current rule in place. The Department could identify these tags through a random number process. This option would ensure that the provisions of the 15% set aside were met and no tags would be available in the first-come/first-serve process.

Finally, the Commission could decide to identify the 12 permits to be set aside for non-residents and suspend enforcement of the second portion of the rule. In effect, this option would allow all non-residents to potentially be drawn for any hunt in order to satisfy the 15% set aside requirement. It would also ensure that no tags are available in the first-come/first-serve process. However, it could also reduce resident hunt opportunity in areas with a very limited number of permits and is an option that is not supported by the ADBSS.

This item was tabled and not discussed by the Commission.

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1. Hunt Permit-tag Application Schedule for Fall 2005 Hunts.

Presenter: Richard Rico, Assistant Director, Special Services Division

The Commission was provided with a brief Power Point presentation relating to the hunt permit-tag application schedule for the fall 2005 hunting seasons. The application schedule was previously provided to the Commission identifying proposed acceptance dates and deadline dates for all hunts associated with the draw process.

The Department is scheduled to begin taking applications for big game on May 2, 2005. This date was selected because of the recent Rule changes adopted by the Commission, which goes into effect May 1, 2005. The correction date deadline is May 27, 2005, which is the time period for errors. The Department will make three attempts to contact individuals in a 24 hour period to allow them to submit a corrected application. The deadline date is June 14, 2005. Permit tags are scheduled to be mailed out on July 29, 2005, with refund warrants going out on August 12, 2005. Crane, pheasant and raptor were not included in the presentation, but those dates were listed on the schedule provided to the Commission. The Department will begin accepting first come, first serve, if available, on August 8, 2005.

Motion: McLean moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE THE APPLICATION SCHEDULE FOR FALL 2005 HUNTS.

Vote: Unanimous

Chairman Gilstrap asked what the Department is doing, in regards to the changes, to inform people on how to apply.

Mr. Rico stated that the website has a link that takes a person directly to draw related information specific to this year. Also, several articles and press releases have gone out to advise people of the changes. In addition, the color of the application has been changed and it's being promoted to make sure people use the correct application. Also, efforts are underway to take the old applications out of circulation as much as possible.

Chairman Gilstrap requested that the Department give the sportsman's organizations something to put out in their publications as well.

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In regards to the Chronic Wasting Disease (CWD), Director Shroufe pointed out to the Commission that the Department has tested 1000 deer and elk for CWD throughout the year and to date, no substantiated cases have been found in Arizona. However, it seems to be coming further south and is now in New Mexico and Utah. If or when it gets to Arizona, Director Shroufe reminded the Commission that the Department has a plan, previously approved by the Commission, for dealing with it.

2. Consideration of Proposed Commission Orders 2-5, 7-10, and 26 for 2005-2006 Hunting Season.

Presenter: Leonard Ordway, Game Branch Chief

Mr. Ordway introduced Department personnel who worked on the hunt recommendations and who were present to answer any questions that the Commission may have. Brian Wakeling, Big Game Supervisor; Mark Zornes, Small Game Specialist; Pat Barber, Predator and Furbearer Specialist; Amber Munig, Wildlife Specialist; Erin Riddering, Wildlife Specialist; Dave Cagel, Game Specialist; John Goodwin, Game Specialist; Johnny Wills, Game Specialist; Bob Henry, Game Specialist, Jim Heffelfinger, Game Specialist; Jon Hanna, Game Specialist.

The Commission was provided with a packet on the recommendations and Mr. Ordway briefed them on the contents. Three changes were noted (Commission Order 4, 9 and 26) and were discussed as those items are addressed. Mr. Ordway pointed out the completed listing for the military/reservation hunt structure.

Commissioner Golightly commented on difficulties in the past for some people to get the hunt numbers that are associated with the permits from the military/reservation and asked if they could be posted on the website.

Mr. Ordway stated that he would make sure to have a copy of those numbers, but that the purpose of calling the military/reservation to get those numbers is so they can inform hunters of any changes.

Mr. Ordway gave a Power Point presentation, which included history and statistics on each species and other considerations in determining the Department's hunt recommendations.

The following are recommendations for Commission orders 2-5, 7-10, and 26. Eleven public meetings were held throughout the state to solicit input to the 2005-2006 hunting seasons. The opinion of the 176 meeting participants to the Alternative Mule Deer Management Plan and Regional Elk Operational Plans were also solicited. Public comment by mail, fax, and e-mail was solicited and 90 written comments were received (of which 30 were form letters). Prior to today's meeting, the Commission was provided with species-specific comments and Department responses.

The Commission directed the Department to allocate 5% of the available elk permits and 2% of the general deer permits to juniors-only seasons. The recommended package also includes no juniors-only pronghorn hunts as directed by the Commission at the December 2004 meeting. The Commission further directed the Department to maintain fall and spring turkey and javelina juniors-only season opportunities. The recommendations in this package offer 5% juniors-only elk permits and 2.5% juniors-only deer permits (500 of which are antlerless permits on the Kaibab in Unit 12AW).

Commission Order 2: Deer

This year, 38,245 permits are recommended for the general deer seasons. The permits are an increase of 1,920 from last year. Adjustments to permits occurred statewide, as some units improved while others continued declines. Statewide, fawn to doe ratios improved over last year for both white-tailed and mule deer, but large scale population improvements over recent low levels, influenced by the record statewide drought, have not occurred. The juniors-only deer permits are recommended at 1,000 permits statewide, which is no change from last year. Muzzleloader permits are recommended at 845, an 85-permit increase. Juniors-only muzzleloader permits are the same as last year at 30 permits.

The Department is recommending a 500 permit juniors-only and a general 250-permit antlerless hunt in Unit 12A West. This recommendation would stabilize the population at current levels, and assist the Department in managing the herd to meet Alternative Mule Deer Management Plan objectives. Critical west-side winter range is experiencing above targeted forage use, primarily on cliffrose. Fawn to doe ratios were at 103:100 in 12AW last year, an all time recorded high. The juniors-only hunt is recommended to occur during the traditional early time frame when weather conditions tend to be favorable for young hunters, although they are restricted to hunting within a smaller portion of Unit 12A West in an effort to focus harvest on the segment of the doe population that winters in 12A West. The general antlerless hunt is recommended to occur during November when the deer will be on the winter range.

The late hunt in Unit 12B West is recommended to be combined with the hunt in Unit 12B during November 18-27, 2005 because hunter density will be low, although the stratification is retained during the October 28-November 6, 2005 hunt because hunter density is higher. A 100-permit juniors-only hunt will rotate out of Unit 24B and into Unit 23 and the Unit 36A and C juniors only hunt will be limited to Unit 36A with no change in permits. Muzzleloader deer hunts will rotate out of Units 12A East and 24A and into Units 12B and 20B. A 10-permit CHAMP deer hunt will once again be offered on Fort Huachuca.

Motion: Melton moved and Chilton seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 2 – DEER AS PROPOSED.

Public Comment

Jim Unmacht, Arizona Antelope Foundation (AAF) President and Arizona Desert Bighorn Sheep Society (ADBSS) Director, turned in a Speaker Card in support of all proposals, but did not address the Commission.

Richard Leightner, Habitat Projects Chair, Buckskin Chapter, Arizona Deer Association (ADA), suggested swapping the 500 permit juniors-only and the general 250-permit antlerless hunt in Unit 12A West to 250 permit juniors-only and a general 500-permit antlerless hunt; and that the boundary be adjusted for the late hunt as well as the early hunt. These suggestions were in order to ensure meeting the management objective.

The Commission discussed strategies on how to best meet the objectives.

Commissioner Golightly made two suggestions. One was to swap the dates only and have the juniors-only deer hunt November 11-14 and the general hunt October 21-24. Another option was to have all of the antlerless hunts in that Unit be youth hunts with the November 11-14 the 500-permit hunt.

Don Martin, Government Liaison, Mohave Sportsman Club, agreed with Commissioner Golightly's suggestion and opposed any deletion of juniors-only hunts.

Mark Boole, ADA President, addressed the Commission in regards to the 1300 early antlered deer permits in Unit 12A West. There were a number of people who were concerned about that high number and Mr. Boole requested that the Commission scrutinize that number and reduce it to some degree. Additionally, if the alternative guidelines are what's driving the high numbers then maybe the alternative guidelines should be reevaluated.

Mr. Ordway briefed the Commission on how the Department arrived at the recommended numbers and reminded the Commission that the Department was following previous direction from the Commission to reach management objectives.

Commissioner Golightly stated for the record in response to Mr. Boole's comments that the buck to doe ratio needed to sustain the herd is below 10.

Don Martin, Government Liaison, Mohave Sportsman Club and affiliate of ADA, stated that his organization was in support of the ADA position.

Commissioner Golightly stated for the record that he would like to see more opportunity offered in areas where there has been low deer numbers and low deer permits, which is east side muzzleloader and east side buck hunts. In the long range we need to get more alternative management buck trophy hunts north of the Colorado River.

Motion: Golightly moved and McLean seconded THAT THE COMMISSION VOTE TO RECOMMEND THAT THIS PORTION OF THE TOTAL RECOMMENDATION FOR COMMISSION ORDER 2 READ THAT IN 12A WEST, 750 ANTERLESS DEER PERMITS BE PROVIDED TO THE YOUTH PROGRAM AND THAT THE HUNT OCCUR FROM NOVEMBER 11-14 WITHIN THE NEW BOUNDARY DESIGNATION (THE 462 ROAD) AND ELIMINATE THE NOVEMBER 11-14 GENERAL HUNT.

Vote: Unanimous

Motion: Melton moved and Golightly seconded THAT THE COMMISSION VOTE TO REDUCE THE NUMBER OF PERMITS FROM 1300 TO 1000 FOR ANY ANTLERED DEER IN 12A WEST FROM OCTOBER 28 THROUGH NOVEMBER 6.

Commissioner McLean confirmed with Mr. Ordway that this would raise the buck to doe ratio from about a 32 buck to doe ratio to about a 35 buck to doe ratio and stated that he would rather not go up and down on the numbers over the next two to three years.

Commissioner Golightly commented that what he would like to see is bigger bucks and at 1300 there will be a lot of 4-point bucks coming out of there.

Vote: Aye Gilstrap, Melton, Golightly, Chilton
Nay McLean
Passed 4 to 1

Motion: Chilton moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 2 – DEER WITH THE TWO CHANGES AS PREVIOUSLY MOVED AND PASSED FOR UNIT 12A WEST.

Vote: Unanimous

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Meeting recessed for a short break

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Commission Order 3: Pronghorn

The general season permits are increased by 68 from last year with a recommendation of 421 permits; this includes moving 12 permits from last year's juniors-only seasons into the general season. The archery recommendation is 415 permits, a reduction of 1 from last year. The muzzleloader seasons are recommended for 97 permits, an increase of 5. No juniors-only permits are recommended this year, which is a reduction of 12 tags from last year.

Although proposed for implementation this year, Unit 18B will not have a portion of the tags allocated only to that portion west of Burro Creek (18B West). The hunt structure is recommended to continue as in previous years in part due to the improved pronghorn demographics in the area.

Motion: Melton moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 3 – PRONGHORN AS PROPOSED.

Public Comment

Don Martin, Government Liaison, Mohave Sportsman Club, opposed cutting the juniors only and proposed a program where if a junior draws a tag as a juniors that they are out of that particular hunt and then they are in the general pool. Mr. Martin believes that this would help bring the youth in and encouraged the Commission to embrace this idea.

Jim Unmacht, AAF President and ADBSS Director, addressed the Commission in support of cutting the juniors only permits.

Stephanie Nichols-Young representing the Animals Defense League of Arizona (ADLA) addressed the Commission regarding concern for the population of pronghorn and urged the Commission to reconsider and redouble efforts to protect habitat.

Vote: Unanimous

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Meeting recessed for lunch at 12:00 p.m.

Meeting reconvened at 1:00 p.m.

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Commission Order 4: Elk

General seasons elk permits are recommended at 14,570, an increase of 935 from last year. Archery permits are recommended for 6,454 permits, an increase of 1,346 from last year. Muzzleloader permits are recommended at 1,233, which is no change from last year. Junior permits will be 1,160, 135 permits greater than last year and 5% of the total allocation, as directed. Ten CHAMP permits are also recommended in Unit 3B.

The hunt recommendation package was coordinated with the land management agencies, the local habitat partnership committees, and the Forage Resource Study Group. The general, muzzleloader, archery, and juniors permit allocations were adjusted to address the allocation formula using 5-year averages of application rate and hunt success. Permits for bull and antlerless harvest were recommended to meet management guidelines for bull to cow ratios and forage use.

General limited opportunity permits are recommended to increase 150 to 1,022. The limited opportunity archery seasons are recommended for 145 permits, an increase of 35 permits, and no limited opportunity muzzleloader season is being recommended.

Rotations for elk this year will be: early general bull hunts will rotate into Units 3B (from 27), 6B (from 8), and 22S (from 21); early muzzleloader bull hunts will rotate into Units 4A (from 4B), 5BN (from 5BS), 21 (from 23S), and 27 (from 3B); an archery bull hunt will rotate into 23S (from 22S).

Motion: Chilton moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 4 – ELK AS PROPOSED.

Public Comment

Bill Masters, representing himself, stated that he had concerns about having two consecutive seasons on the late Unit 22 bull hunt, while adding more permits. He recognized the need to harvest more animals in Unit 22, but his concern is that 13 days back to back of non-stop elk hunting will offer little rest to the animals going into winter and will push them deeper into remote areas. Mr. Masters suggested splitting the hunts; one in November and one in January.

Commissioner Golightly asked Jon Hanna from Region VI for his comments.

Mr. Hanna stated that some additional bull hunts were added this year to reduce the high ratio in that unit and it was just a matter of the number of days available in the year and those are the time frames that have been used in the past and have been available to us. Mr. Hanna was not aware of any biological effects of having those hunts back to back.

Vote: Unanimous

Commission Order 5: Turkey

The fall general turkey season is recommended for a total of 4,830 permits, which is an increase of 45 permits.

There are 100 juniors-only season turkey permits recommended with the same season dates as the general fall season. The juniors-only season has been moved from Unit 6A to Unit 5B South so that the juniors will have an area in which they do not compete with general season hunters. Unit 5B North will remain open to the general season hunter.

The spring turkey season dates and permit levels will be considered at the August Commission meeting.

Motion: McLean moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 5 – TURKEY AS PROPOSED.

Vote: Unanimous

Commission Order 6: Javelina

All javelina season dates and permit levels will be recommended at the August Commission meeting.

Commission Order 7: Bighorn Sheep

Bighorn sheep permits are recommended for a total of 80, a reduction of 2 from last year. Units 15B and 15C are still at reduced numbers from historic levels. Units 40A South and North have

been combined to maintain a single tag despite limited numbers. Permit increases have been recommended in Units 13B, 43B, and in the Foote Creek herd in Unit 27N.

Eight permits have been preauthorized to be issued to Arizona residents as a result of errors made in the draw last fall. This means that one less tag will be available to this year's draw than is currently listed in Units 13B (north of Wolfhole-Jacobs Well Rd.), 15B (west of Temple Bar Rd.), 15D, 24B, 45A (south of El Paso Natural Gas Pipeline), 46A, 27 (south of F.S. 21 and west of U.S. Hwy 191) and 28 (north of U.S. Hwy 70) (December 1-15 season dates), and Foote Creek Hunt Area in Unit 27 North. Because of this allocation for Unit 24B, no permit will be available in the general draw for fall 2005.

Commissioner Golightly commented that he has heard of some big rams in Units 12A and 12B West and further that out of the two tags offered last year there was only one kill, so it seems we are missing an opportunity for a third tag in that Unit.

Mr. Ordway stated that there are going to be times when hunters aren't successful, but we survey every three years and the calculation remains the same. We do not have any Department survey data to indicate a need to increase or change at this point.

Motion: Melton moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 7 – BIGHORN SHEEP AS PROPOSED.

Vote: Unanimous

Commission Order 8: Buffalo

A total of 9 buffalo permits are recommended for the fall seasons. The Raymond Wildlife Area buffalo hunt is recommended for 3 hunts with 3 adult cow permits each. No hunts are recommended on the House Rock Wildlife Area because structured hunts have been ineffective in harvesting buffalo recently. The House Rock herd is recommended for harvest using population management seasons that will allow the Department to be responsive to harvest opportunities when buffalo are available off the Grand Canyon National Park. No general season permits are recommended.

Commissioner Golightly asked about allowing a restricted non-permit tag to allow for population management of buffalo with the deer hunts north of the Colorado River.

Mr. Ordway suggested discussing this as part of Commission Order 26 – Population Management Seasons.

Motion: Golightly moved and McLean seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 8 – BUFFALO AS PROPOSED.

Vote: Unanimous

Commission Order 9: Bear

Minor changes are recommended for 2005 bear seasons from the 2004 season. The fall hunt in Units 29 and 30A is being expanded to the entire Unit 30A. Units 20A and 20B are recommended to be opened for bear hunting as part of the existing hunt that includes Units 10, 18A, and 19B. These recommended changes are in accordance with Department management guidelines.

Motion: Chilton moved and Golightly seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 9 – BEAR AS PROPOSED.

Vote: Unanimous

Commission Order 10: Mountain Lion

No substantive change to mountain lion hunting is being recommended this year. However, the Department evaluated the units recommended for multiple bag limits for mountain lion. Changes from last year are as noted below.

The Department recommends that the multiple bag limit in Unit 13A South be removed because the resident deer population seems to be recovering from a low point. The Department is recommending the harvest objective for the multiple bag limit in Unit 28 South be reduced from 16 mountain lions to 10. Unit 6A South is recommended for a multiple bag limit with a harvest objective of 15 mountain lions in preparation for a bighorn sheep transplant into this unit. The Bear Canyon Hunt Area is recommended for a multiple bag limit in Unit 27, with a harvest objective of 5 mountain lions, to reduce predation on a bighorn sheep population that is below management guidelines. The Department also recommends creating the Pipestem Hunt Area in Unit 27 for a multiple bag limit, with a harvest objective of 10 mountain lions, prior to a scheduled bighorn sheep release in the area. A multiple bag limit is also recommended for Unit 40A, with a harvest objective of 4 mountain lions, to reduce mountain lion predation on a bighorn sheep population that is below management guidelines.

Motion: Chilton moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 10 – MOUNTAIN LION AS PROPOSED.

Public Comment

Stephanie Nichols-Young, with ADLA, commented on the Department's response to public input regarding whether or not the Department or Commission could establish a check in and check out for mountain lion hunters. The response from the Department stated that it would require a Rule change and that the Department would consider that as part of the Article 3 Rule review. Ms. Nichols-Young stated that regulations permit the check in and check out without having to go through a Rule change.

Mr. Odenkirk stated that the current Rule does permit the Department to establish a check in or check out requirement and that would be published pursuant to a Commission order.

Ms. Nichols-Young raised another issue regarding how to handle collared lions that are the subject of scientific studies, so that they are not killed by hunters. Ms. Nichols-Young suggested

putting something in the hunt guidelines about a voluntary request or notice to hunters that states if they see a collared lion, it may be part of a scientific study.

Chairman Gilstrap commented that if a collared or tagged animal is taken in a hunt, it's included as part of the research.

Mr. Ordway stated that historically the Department has had a note in the hunt regulations in regards to radio collars to let the public know that it was legal to take a collared/tagged animal in a hunt and to please return the collar/tag. We can inform or ask the public at the direction of the Commission to not take a collared/tagged animal, but it would not be a regulatory requirement.

Commissioner McLean commented that he is not for prohibiting the take of a collared animal, but that maybe there should be some discussion as to whether or not there is some scientific value in encouraging the non-take of collared lions.

Ms. Nichols-Young made one last statement that she would like to see the Department work together with other organizations for integration of all lion programs.

Vote: Unanimous

Commission Order 26: Population Management Seasons

Population management seasons are recommended for the same units as last year. Recommended dates for the elk hunts are August 1, 2005-February 15, 2006 with a legal animal of bull, antlerless or any elk. For elk hunts where the legal animal is bull, additional recommended dates are July 1, 2005 to June 30, 2006. Specific recommended changes from last year are: (1) the addition of Unit 18B to the proposed seasons for elk in Units 17A, 17B, 19B, 20A, and 20C; (2) the addition of a Unit 27 bull elk season with longer season dates in addition to the existing season for bull, antlerless, or any elk in Unit 27; (3) the addition of Units 35A and 37A to the proposed seasons for javelina for General and HAM; and (4) the addition of Unit 30B to the proposed seasons for javelina for HAM. Recommended permit authorizations would increase general elk by 250, javelina HAM by 100, javelina archery by 65, buffalo by 186 (mostly for House Rock herd in Units 12A, 12B, and 13A), general bear by 2, bear HAM by 2, and bear archery by 1. To date, no javelina or bear permits have been issued.

In 2004, 12 population management seasons were initiated, 10 for elk and 2 for buffalo. Twenty-five any, 70 bull, and 15 antlerless elk permits total in Units 1, 4B, 6A, 17A and B, and 19B and 4 any buffalo permits in 5A were issued. Thirty fewer elk tags and 6 fewer buffalo tags were issued in 2004 than in 2003. Hunt success has been variable for elk hunts, but all recipients of buffalo permits for the Raymond herd have been successful.

Additionally, the Department is recommending nine new population management seasons that would allow successful applicants for hunt permit tags in specific times and hunt areas to be eligible to receive restricted non-permit tags for elk in these same specific times and hunt areas. Specifically, these proposed population management hunts that would allow for restricted non-permit elk tags to be offered to deer hunters in Units 12A West (2 hunts), 12A East (2 hunts), 12B (2 hunts), and 12B West (1 hunt) and pronghorn hunters in Units 2A and 2B.

Mr. Ordway commented on Commissioner Golightly's earlier suggestion to allow for population management of buffalo within the deer hunts north of the Kaibab. The Department is concerned about the total number of tags because the total number of deer hunt opportunity on the Kaibab approaches between 3000-4000 tags. There may not be that number of buffalo hunters out there, but there would be the potential to substantially reduce the House Rock buffalo herd to a greater degree than what we were trying to do.

Mr. Ordway further noted that a slight change would need to be made in the population management structure based on the earlier change in Unit 12A West on the buck tag. We need to reduce that number down from 1300 to 1000 within this Commission Order, so that it would be within the recommendation from the Department.

Commissioner McLean asked if a harvest objective could be put on the buffalo restricted non-permit tags and close the Unit to take when the harvest objective is met.

Mr. Ordway stated that the Department could work with legal council to build that in, but thinks it can be done because it's in other Commission Orders such as bear and mountain lion.

Mr. Odenkirk stated that he would have to look at it, but believes it would have to be established in Rule.

Commissioner Golightly pointed out that if the buffalo came off the park, they would go right back after the first shots were fired, so there is no chance of eradicating the herd. Also, they are not in one herd, they are in two and possibly up to four. In addition, it has been discussed to take the herd completely out and replace it with new buffalo, so if they were eradicated we would have that option.

The Commission further discussed the situation of House Rock buffalo on the park and the options to get them off the park.

The Commission decided to vote on the Department's recommendation and to come back and amend later, if appropriate, to add allowing restricted non-permit tags that allow for population management of buffalo within the deer hunts north of the Colorado River.

Motion: McLean moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 26 – POPULATION MANAGEMENT SEASONS AS PROPOSED WITH THE CHANGE THAT THE ELK TAG NUMBER NOTED FOR THE APPLICABLE 12A WEST HUNT BE REDUCED FROM 1300 TO 1000.

Vote: Unanimous

Mr. Odenkirk stated that in regards to closing a Unit when the hunt objective is met, his reaction was that it had to be established in Rule. After further review, Mr. Odenkirk found that this can be accomplished by a Commission Order. Harvest objective is a season closing concept and season opening and closing is pursuant to Commission Order. However, there is one limitation as to when the season would close. In Commission Rule any successful hunter at House Rock has five days to report the harvest of an animal, so there would be a period of time when the

Department may not know when the harvest objective has been achieved, but once we do know, then the season could close.

Commissioner McLean pointed out that the season could close with hunters still in the field who have purchased tags.

After further discussion of the House Rock buffalo issues and options, Commissioner Golightly moved to amend Commission Order 26. It was decided to break for time to prepare language for a motion.

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Meeting recessed for a break at 2:43 p.m.

Meeting reconvened at 2:53 p.m.

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Mr. Ordway addressed the Commission and offered a proposed amendment to Commission Order 26.

Motion: Golightly moved and McLean seconded THAT THE COMMISSION VOTE TO AMEND COMMISSION ORDER 26 TO ADD WITHIN THE BUFFALO SECTION OF COMMISSION ORDER 26 - POPULATION MANAGEMENT HUNTS, THE KAIBAB HUNTS TO INCLUDE THE OCTOBER 28 THROUGH NOVEMBER 6 HUNT FOR 12A EAST, 200 TAGS; NOVEMBER 18 THROUGH NOVEMBER 27, 12A EAST HUNT, 50 TAGS; THE OCTOBER 28 THROUGH NOVEMBER 6, 12A WEST HUNT, 1000 TAGS; NOVEMBER 18 THROUGH NOVEMBER 27 HUNT, 12A WEST, 175 TAGS; WHICH WOULD BE FOR ANY BUFFALO AT A COST OF 25% OF THE NORMAL PRICE OF THE ANY BUFFALO TAG AND FOR THE DEPARTMENT TO MAKE THE NECESSARY NOTE CHANGES IN COMMISSION ORDER 2 RELATIVE TO COMMISSION ORDER 26 FOR RESTRICTED NON-PERMIT TAGS.

Mr. Odenkirk stated that on the issue of the fee, by Rule that fee needs to be set by the Director, and requested that the portion of motion referring to the fee be removed.

Amended Motion: Golightly moved and McLean seconded THAT THE COMMISSION VOTE TO AMEND COMMISSION ORDER 26 TO ADD WITHIN THE BUFFALO SECTION OF COMMISSION ORDER 26 - POPULATION MANAGEMENT HUNTS, THE KAIBAB HUNTS TO INCLUDE THE OCTOBER 28 THROUGH NOVEMBER 6 HUNT FOR 12A EAST, 200 TAGS; NOVEMBER 18 THROUGH NOVEMBER 27, 12A EAST HUNT, 50 TAGS; THE OCTOBER 28 THROUGH NOVEMBER 6, 12A WEST HUNT, 1000 TAGS; NOVEMBER 18 THROUGH NOVEMBER 27 HUNT, 12A WEST, 175 TAGS; AND FOR THE DEPARTMENT TO MAKE THE NECESSARY NOTE CHANGES IN COMMISSION ORDER 2 RELATIVE TO COMMISSION ORDER 26 FOR RESTRICTED NON-PERMIT TAGS.

Public Comment

Rod Coronado, Coordinator with Chuk'shon Earth First of Tucson, commented that he didn't think recreational hunting would reduce the herd 50% and that adding this hunt was drifting

away from the objective. In addition, Mr. Coronado presented the option that maybe the Department or Commission could communicate with the Native Tribes who are building the genetic diversity of their existing herds.

Chairman Gilstrap stated that the hunters are a good tool to reduce the herd; however, we need to work through the hunt management objective of the buffalo herd and his concern was that deer hunters interacting with the herd will eliminate some prime time for management hunts. At the sound of a rifle shot, the herd will go back to the Park and the management hunts will become irrelevant.

Marvin Zieser, representing himself, asked the Commission if there would be any opportunity there for an archery hunt and stated that an archery hunt may not run them back to the Park as much.

Ron Sieg, Flagstaff Regional Supervisor, responded that archery hunts are being considered in small pools during the population management hunt during the August-September period and this will be brought back to the Commission for further discussion. There has been some anecdotal information that buffalo archery hunts are not effective, but we are planning to at least look at the opportunity.

Commissioner Melton commented that he understands having the deer opportunities like we have with elk, but we need to be focused on the buffalo. There is a difference in people who are hunting deer and happen to come across a buffalo as opposed to those who are actually hunting buffalo and for that reason Commissioner Melton was opposed to the motion.

Vote: Aye Golightly, McLean
Nay Gilstrap, Melton
Not passed – 2 to 2

Commissioner Chilton abstained from voting because she did not feel she had enough information and asked why one version was better than the other.

Commissioner Golightly stated that one version only entails 20 days and the other, referred to by Commissioner Melton, is year round. We wouldn't call all 250 at one time; Mr. Sieg would call them up as the opportunity was presented. The opportunity for the deer is a revenue generating opportunity where we have hunters in the field for 20 days and if the opportunity is there, we should let them take them.

Commissioner Melton asked Mr. Sieg if he felt that this additional opportunity for deer hunters would enhance the general population management season that is currently established.

Mr. Sieg stated that he would probably not put additional hunters in the field with a management hunt at the same time as the deer hunts, except maybe in the late hunt where there is a limited number of people. There are other opportunities throughout the year, so he did not think it would impact or hurt management opportunity.

Commissioner McLean asked for reconsideration of the vote.

Chairman Gilstrap confirmed with Mr. Sieg that it was true that there is often trouble on buffalo hunts even with a small number of people in the field and that it's a challenging hunt because the buffalo move off with any activity in the field. Further, Chairman Gilstrap confirmed with Mr. Sieg that there is currently between 3 and 20 hunters in the field at one time and that we are now looking at putting 1300 out there at one time.

Mr. Sieg stated that the disturbance would not be that much more significant on the buffalo because they will be disturbed whether those in the field are hunting deer or buffalo.

Vote: Aye Melton, Golightly, McLean, Chilton
Nay Gilstrap
Passed 4 to 1

2. Consideration of Proposed Commission Orders 11-18 for 2005-2006 Hunting Season.

Presenter: Leonard Ordway, Game Branch Chief

Mr. Ordway briefed the commission and asked them to consider and vote collectively on Commission Orders 11-18 (tree squirrel, cottontail rabbit, predatory and furbearing mammals, other mammals and birds, pheasant, quail, chukar partridge, and blue grouse) establishing seasons and season dates, bag and possession limits, and open areas.

Commission Order 11: Tree Squirrel

No changes are recommended from the previous year.

Commission Order 12: Cottontail Rabbit

No changes are recommended from the previous year.

Commission Order 13: Predatory and Furbearing Mammals

No changes are recommended from the previous year.

Commission Order 14: Other Birds and Mammals

No changes are recommended from the previous year.

Commission Order 15: Pheasant

No changes are recommended from the previous year.

Commission Order 16: Quail

No changes are recommended from the previous year. Generally speaking, the 2004-2005 quail season was average, with regional areas of both poor and very good hunting. Quail abundance, and ultimately hunter success, was directly tied to local weather and habitat condition. Continued drought impacted some of the better, more heavily hunted Gambel's quail habitats,

like the Tonto Basin. Regionally, however, Gambel's quail and Mearns' quail hunters enjoyed a good season, while satisfaction for those pursuing scaled quail was less throughout the range of this species. Given current precipitation patterns statewide, we are expecting the upcoming hunting season to be better than average.

Commission Order 17: Chukar

The Department proposes to open the chukar season to coincide with the opening day for blue grouse. Given the nature of this species, the habitat it inhabits in Arizona, and the few hunters who pursue this species, this change will have negligible impact on Chukar numbers, but will provide additional opportunity for upland bird hunters north of the Colorado River. This proposal will increase the length of the chukar season by 28 days.

Commission Order 18: Blue Grouse

No changes are recommended from the previous year.

Public Comment

Ray Leimkuchler, Phoenix Earth First, addressed the Commission regarding the Gunnison prairie dog stating that his organization would like the Department to discontinue hunting this species on the Boquillas Ranch. The reasons are because this species has declined in numbers across the nation and is near extinction, and because it is a key species for the grassland ecosystem. It's important for the black-footed ferret, which is endangered, and is important to a variety of animals that cannot dig burrows for themselves, such as burrowing owls. Mr. Leimkuchler requested that the Department take some proactive measures to protect the status of the Gunnison prairie dog and offered that his organization would work with the Department on this issue. Should the Department refuse to discontinue hunting the Gunnison prairie dog, Mr. Leimkuchler's organization will expose the hunt and show why it is an inappropriate hunt; showing it for its cruelty, its blood lust, and its absurdity. Also, Mr. Leimkuchler's organization will begin approaching and working with the Navajo Nation who owns the Boquillas Ranch to see if they can provide some leadership and proactive management and close portions of that ranch to hunting. Mr. Leimkuchler has been told that the Commission listens to those who take time to bring issues before them and it's his hope that the Commission will consider his requests the same as they consider request from others.

Rod Coronado, Chuk'shon Earth First in Tucson, stated support for Mr. Leimkuchler's comments and added that this is a hunt that is out of character for the Department, who has demonstrated responsible stewardship towards managing other species. That is what they would like to see towards the Gunnison prairie dog. Mr. Coronado also raised the issue of a disease outbreak that adversely affected the Gunnison prairie dog population.

Stephanie Nichols-Young, with ADLA, has also submitted concerns to the Department in regards to the Gunnison prairie dog stating that studies in regards to the plague outbreak in 2001 recommended closing or limiting hunting of the Gunnison prairie dog. They are a keystone to the grassland area and a lot of species rely on their viability. Ms. Nichols-Young urged the Department and the Commission to further limit hunting in certain areas.

Dr. Tad Pfister, Arizona Quail Alliance, addressed the Commission in regards to stabilizing and enhancing Mearns quail populations and their habitats, and stated that reducing the bag limits has helped to meet their objectives. Mr. Pfister thanked the Commission and the Department for all the help and support given to the Arizona Quail Alliance over the past 5 years.

Motion: Chilton moved and McLean and Melton seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDERS 11–18 AS PROPOSED.

Vote: Unanimous

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4. Call to the Public

There were no request from the public to speak.

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5. Consideration of Proposed Commission Order 23: Trapping for the 2005-2006 Season.

Presenter: Leonard Ordway, Game Branch Chief

The previous year's harvest information was not included in this summary because the data was not available until May. License sales indicate that trapper participation and harvest in 2004–2005 was similar to participation and harvest in 2003–2004. Harvest data for 1976–2003 indicates that recent harvest levels are well below early 1980s harvest levels and does not impact furbearer populations. No change in season dates, legal species, bag and possession limits is proposed by the Department. The proposed order reflects the continued closure of metropolitan Units 7M, 37M, 39M, and 42M for trapping. The proposed order opens trapping on private and public lands in accordance with ARS 17-301.

Motion: McLean moved and Melton seconded THAT THE COMMISSION VOTE TO APPROVE COMMISSION ORDER 23 AS PROPOSED.

Vote: Unanimous

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6. Request to Close the Rulemaking Record and Adopt the Notice of Exempt Rulemaking to Amend Rules in Article 8, Wildlife Areas and Department Property, as Part of the Annual Hunt Recommendation Process.

Presenter: Sherry Crouch, Acting Rules and Risk Manager

The Arizona Game and Fish Department is amending R12-4-802 and R12-4-803 to add the Santa Rita Wildlife Area, located in Game Management Unit 34, to its list of wildlife areas, and to prescribe restrictions for the use of that area by the public. In 2004, the Department entered into

a Memorandum of Understanding (MOU) with the State Land Department and the University of Arizona to cooperate with each other in planning and implementing projects that enhance the security and protection of rangeland and ecological resources at the Santa Rita Experimental Range. This MOU provides the foundation for the Commission to designate the Santa Rita Experimental Range as a wildlife area. The Department is also amending R12-4-802 to prohibit the discharge of firearms within ¼ mile radius of visitor parking areas in the Upper Verde River Wildlife Area, located in Game Management Unit 19A. These amendments will be included in the Department's annual hunting regulations booklet for use by the public.

If approved by the Commission, this Notice of Exempt Rulemaking will be submitted to the Secretary of State's Office by April 22, 2005, so that it will be published in the May 13, 2005, issue of the *Arizona Administrative Register*.

Commissioner Chilton asked if this designation would affect the present uses of the rangeland in that area, to which Ms. Crouch stated that this will not have an effect on the current uses, and further that the purpose of this rulemaking was to enhance public safety.

Commissioner Chilton questioned whether the people who live there were in agreement of this rulemaking.

Ms. Crouch stated that right now the Department has an umbrella MOU and is still working with the University of Arizona in developing an actual or specific agreement.

Chairman Gilstrap commented that this is opening the opportunity for the amendment and not closing it.

Mr. Odenkirk stated that the rules in regards to the wildlife areas are unique in that they are exempt from normal rulemaking. When the Commission makes a change to Article 8 rules, they become effective immediately upon Commission approval. So it would not be the start of the process, but the end of the process.

Commissioner Chilton stated that prohibiting the discharge of firearms near a parking area is a completely obvious thing to do, but she wants to make sure that the imposition of this label does not carry with it an impact that we don't know of yet on the people who live and work there.

Ms. Crouch stated that this rulemaking is just to establish the Santa Rita Experimental Research Range as a wildlife area. The agreement that is still being worked on is where other restrictions would come into play.

Commissioner Chilton asked if the people who lived there had signed on to this agreement, to which Ms. Crouch could not confirm that they had; therefore, Commissioner Chilton stated that she could not vote for anything where she does not know that the residents even know about it.

Gerry Perry, Tucson Regional Supervisor, briefed the Commission on his involvement and what he knew of the history of this area. The area is State Trust lands managed by the University of Arizona (U of A). We were approached by the U of A, who were unhappy over the amount of use, such as off-road ATV's on the urban fringe of Tucson. They wanted to use their management authorities to prohibit activities, specifically shooting. We convinced them that

hunting on the range was a very legitimate activity, so they compromised that hunting could go on if we considered some restrictions during periods of the year because they have active research in the area. The only way that we could enter into that kind of arrangement was to designate the area as a wildlife area. We developed a three-way MOU, which the Commission approved last September. Subsequently, they have asked us to work with them to revise that agreement and so we are asking the Commission to designate it as a wildlife area and we will move forward to establish periods of time that it would remain open for hunting.

Commissioner Chilton reiterated her concerns that the people who live there are not present or apparently involved in any way in this decision making process and she requested that this item be tabled.

Mr. Perry stated that if it is tabled, it will not meet the timeline in regards to the hunt recommendations for this area.

Motion: Golightly moved and McLean seconded THAT THE COMMISSION VOTE TO ADOPT THE NOTICE OF EXEMPT RULEMAKING TO AMEND RULES IN ARTICLE 8, WILDLIFE AREAS AND DEPARTMENT PROPERTY, AS PART OF THE ANNUAL HUNT RECOMMENDATION PROCESS.

Vote: Aye Gilstrap, Golightly, McLean
Nay Melton, Chilton
Passed 3 to 2

Chairman Gilstrap requested that the Department communicate with the appropriate residents.

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7. Request by Mr. Karl Owens and Other Hunters Drawn for the 2004 Fall Buffalo Hunts at the House Rock Wildlife Area (HRWA) for a Hearing Associated with the Lack of Hunter Success During the Fall 2004 Hunts.

Presenter: Richard Rico, Assistant Director, Special Services

Mr. Owens and the petitioners (to date) listed below requested a hearing before the Commission to discuss the low hunter success associated with the fall 2004 hunts at the House Rock Wildlife Area (HRWA).

Karl Owens	Harvey Heckethorn	Joseph Falbo
Kevin Wilson	Joe Pecha	Dennis Moss
Joshua Shields	Kevin Dougherty	Robert Rimza
John Larsen II	Ronnie Clark	David Berard
Carl Luedeman	James Pankratz	Andrew Rowe
Robert Childers	Lothar Bayer	Theron Fleming
Harold Boyack	Luther Tallent	Robb Evans
Gordon Wheeler	James Putenney	Keith Paul
Michael Schlotman	Gerald Chandler	Fay Lisk
Drew Fetz		

In a letter to the Department dated December 13, 2004, Mr. Owens expressed significant concerns related to the low hunter success associated with the fall 2004 buffalo hunts at the HRWA. In his letter, he requested that the Department consider several options for the unsuccessful hunters. This included the potential for issuing additional buffalo tags for a spring hunt or the reinstatement of bonus points. Mr. Owens also stated that he felt the disclaimer provided in the hunting regulations needed to be re-worded to more clearly indicate that most of the herd resides within the Grand Canyon National park during the majority of the year.

In the Department's response dated January 5, 2005, Mr. Owens was informed that the Department does not have the authority to reinstate bonus points for unsuccessful hunters or to issue tags for a future hunting opportunity, however he could request a hearing before the Commission if he so desired. Subsequently, on February 3, 2005, Mr. Owens submitted a request for a hearing by the Arizona Game and Fish Commission and was advised that this item would be placed on the agenda for the April Commission meeting for consideration. He was also advised that the Commission would initially need to make a decision as to whether or not to grant a hearing prior to proceeding with any decisions related to this matter.

Mr. Owens also requested a listing of all unsuccessful hunters drawn for the 2004 fall hunts at the HRWA, the number of applicants for each of the fall hunts, hunter success ratios from the 2000 to 2004 timeframe, and transcripts from a prior Commission hearing held for a HRWA hunter that voiced concerns regarding low hunter success.

To date, the Department has received petitions from 28 unsuccessful hunters stating that they would like to join Mr. Owens petition. In addition, they have offered several additional solutions including, reimbursement of all costs incurred by unsuccessful HRWA hunters and options for extending the length of the hunt to a six month period of time.

Motion: McLean moved and Chilton seconded THAT THE COMMISSION GRANT MR. OWENS AND THE OTHER CO-PETITIONERS A HEARING AND GRANT HIM NOT TO EXCEED 10 MINUTES TO MAKE HIS PRESENTATION.

Vote: Unanimous

Mr. Owens addressed the Commission and provided a Power Point presentation with statistics on hunter success at HRWA, lack of opportunity, and suggested potential solutions.

Public Comment

Kevin Dougherty, one of the petitioners, stated that part of the problem with the hunt was the amount of activity that was going on at the same time. There was the deer hunt, wood cutting permits, antelope, grouse, and a controlled burn attempt, as well as a film crew that had previously been there and spooked the herd. It was believed that the Department knew that this hunt would be a bust.

Commissioner Golightly asked Mr. Rico to read in the hunt regulations the conditions for the hunt in regards to buffalo, which states that the House Rock Wildlife Area is considered to be one of the most difficult in the state and goes on to describe some of the challenges.

Additionally, Commissioner Golightly stated that hunters are advised by others not to do it, but they do it anyway. They know it's difficult, but they enjoy the outdoors, the camp, and have fun, even if they don't kill a buffalo. The application rate is still high, even though everyone in the country knows that you shouldn't do it.

Commissioner McLean offered sympathy, but stated that there are always many reasons why a hunt can be unsuccessful.

Mr. Dougherty stated that if the buffalo are there and you don't get one, then that's the way it goes, but this is different because there were no buffalo to hunt.

Mr. Rico added that in addition to what he previously read, the regulations specifically read that during the fall and spring hunts at the HRWA, a significant portion of the herd has in the past moved to the Grand Canyon National Park where hunting is not allowed. Hunters are advised that if this occurs, their ability to successfully harvest a buffalo may be significantly impacted. As with any hunt, circumstances beyond the control of the Department may prevent the permit holder from being successful. The Arizona Game and Fish Department and Commission disclaims any responsibility to reissue or replace a permit to reinstate bonus points or refund any fees or provide any other form of relief.

Mr. Owens stated that "significant portion" meant that some buffalo would remain in the area, but that they were not there.

Commissioner Chilton suggested that this group somehow be utilized in the attempt to manage the HRWA buffalo herd.

The Commission and Mr. Ordway discussed ideas and options for utilizing unsuccessful buffalo hunters, including the possibility of using the supplemental hunter pool where they could be the first chosen if the Department offered a population management hunt under that 250 structure.

Commissioner McLean asked Mr. Odenkirk if this was something that the Commission could do.

Mr. Odenkirk responded that the hunter pool is established in Rule and for the Commission to circumvent that by saying that this list of individuals becomes the priority hunter pool is in conflict with the Rule.

The Commission discussed some other situations where compromises were made for various reasons, but did not find a precedent for this situation.

Mr. Ordway stated that the Rule requires a random selection from the supplemental hunter pool and that these individuals can apply, and should a population management hunt be authorized, they would be eligible to be selected from that pool.

Motion: McLean moved and Melton seconded THAT THE COMMISSION VOTE TO DENY THE APPLICATION FOR RELIEF FROM THIS HUNT.

Vote: Aye Gilstrap, Melton, Golightly, McLean
 Nay Chilton

Passed 4 to 1

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Meeting recessed for a short break

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8. Request for Rehearing on Appeal of Denial for a Wildlife Holding License – Gary Mitchell & Chris Koudelka.

Presenter: Rod Lucas, Mesa Regional Supervisor

Pursuant to Arizona Game and Fish Commission Rule R12-4-607, and as provided in A.R.S. § 41-1092.09, Mr. Gary Mitchell and Ms. Chris Koudelka have requested a rehearing of the Commission's decision to affirm the Department's denial of their application for a Wildlife Holding License.

The Department had denied the applicants application, as provided in Arizona Game and Fish Commission Rules R12-4-409 and R12-417, specifically for the unlawful possession of restricted live wildlife (skunks), the nature of how they were obtained, concerns for human safety, health and welfare, and issues regarding animal care and facilities. The applicants appealed the Department's decision, and an administrative hearing was conducted in Yuma, Arizona on February 11, 2005 where the Commission upheld the Department's denial of a Wildlife Holding License for the petitioners.

Mr. Lucas provided background information to the Commission. The Department had previously denied an Arizona Wildlife Holding License for Mr. Mitchell and Ms. Koudelka because the skunks were imported and possessed in violation of A.R.S. § 17-306 and the Arizona live wildlife rules. Arizona Game and Fish Commission Rule R12-4-417 F (1) requires wildlife be lawfully possessed as defined by Rule R12-4-401. Skunks are listed as a restricted species under Rule R12-4-406. In addition, a visitor to their home was bitten and sought post-exposure medical treatment for an infection, and the petitioners did not provide sufficient information relative to their experience for the handling and care of striped skunks. As a result, both were cited for unlawful possession and found guilty of the unlawful possession of two skunks in Glendale Justice Court and were fined \$100.00 each.

Unfortunately, on Monday, February 14th, staff members at the Adobe Wildlife Center informed the Department that one of the skunks that we had been holding died in December. A necropsy performed by the University of Arizona Veterinary Diagnostics Lab on December 28, 2004 listed the cause of death as probable extensive chronic myocarditis, with signs of chronic cirrhosis of the liver and glomerulonephritis. In other words, natural causes.

Department staff notified Mr. Mitchell and Ms. Koudelka to inform them of the animal's death. At that time, they were also offered the opportunity to meet Department staff at the airport to see the skunk that remains in Department custody prior to being turned over to airport personnel for transport to an individual in Augusta, Georgia who would accept lawful custody on behalf of Mr. Mitchell and Ms. Koudelka as they had previously requested. However, the petitioners notified the Department that this individual had entered the hospital and could not take the animal at the

time. Subsequently, the second skunk was then transferred to the Southwest Wildlife rehabilitation facility in north Scottsdale.

On February 22, 2005, Mr. Mitchell and Ms. Koudelka visited the Region VI Office in Mesa to personally deliver their request for a rehearing to the Department pursuant to Commission Rule R12-4-607. Their rehearing request is based on the information they received regarding the death of one of their skunks at Adobe, alleging the Department seriously distorted the facts pertinent to their appeal before the Commission, alleging the Department's substandard care of their skunks, alleging misconduct by means of concealing or suppressing information and contrary to the information provided to the Commission, and alleging other officials of the Department visiting their home advised them that the facilities are more than adequate.

Public Comment

Dr. Robert Olding, PhD, addressed the Commission on behalf of Mr. Mitchell and Ms. Koudelka, vouching for their good character and good care and handling of the skunks.

Mr. Mitchell brought up to the Commission some discrepancies in the death and autopsy report regarding the skunk that died at the Adobe Wildlife Center, stating that the skunk died before the hearing in Yuma and they were not notified by the Department until a week later. Also, the autopsy report was for a black and white male skunk and their skunk was a lavender and white spayed female.

Dr. Kimberlie Hurst, DVM, addressed the Commission stating her serious concerns about incorrect information on an autopsy report regarding an animal that had been reported as biting a person. Further, Dr. Hurst encouraged the Commission to give a different consideration for these skunks as they are domestically bred and not wildlife.

Commissioner Chilton asked how the error could have happened on the autopsy report, to which Mr. Lucas stated that he believed it was simply a transcription error from the evidence sheet that transferred on to the diagnostic lab. In regards to the sex, the skunk was not handled to confirm sex because of the bite report. As for the discrepancy in color, there is no explanation except that black and white would be the normal coloration for a skunk.

Mr. Lucas provided Chairman Gilstrap a copy of the necropsy report, which is a very detailed report and further pointed out that the necropsy report does not refer to the skunk as black and white.

Commissioner McLean stated the Mr. Mitchell and Ms. Koudelka were entitled to a full explanation of what happened to their pet.

Motion: Chilton moved and Golightly seconded THAT THE COMMISSION VOTE TO GRANT MR. GARY MITCHELL'S AND MS. CHRIS KOUDELKA'S REQUEST FOR A REHEARING ON APPEAL OF THE DEPARTMENT'S DENIAL OF THEIR APPLICATION FOR AN ARIZONA WILDLIFE HOLDING LICENSE.

Vote: Aye Golightly, McLean, Chilton
Nay Gilstrap, Melton

Passed 3 to 2

Don Winslow, Education Branch Chief, addressed the Commission regarding the sex of the animal and presented a letter from the veterinarian stating that he did not record the sex of the animal. Further, an animal coming into the Wildlife Center is assigned a number on the intake form and that number went with the animal to the lab for the necropsy report, which confirms that this was the same animal. The volunteers at the wildlife center were told that the animal had bitten someone and not to handle it. The volunteers guessed that it was a male without checking and they were wrong.

Dr. Hurst further answered some questions for Commissioner McLean stating that while doing a necropsy report, it may not be obvious that you are working on a spayed female and not a neutered male, but one would think that you would make a point of checking, especially for a potential human exposure to rabies.

Motion: Golightly moved and Chilton seconded THAT THE COMMISSION GRANT GARY MITCHELL AND CHRIS KOUDELKA REQUEST AND SUPPLY THE NECESSARY DOCUMENTS FOR A LICENSE FOR HOLDING WILDLIFE, ONE SKUNK.

Bruce Taubert, Assistant Director, Wildlife Management Division, stated that he would like to see the Department be able to give direction on special stipulations to go along with the holding permit. It has been done before with a raccoon and those stipulations can be researched and the same direction given in this situation.

Mr. Lucas reminded the Commission that Mr. Mitchell and Ms. Koudelka have two other skunks outside the State of Arizona and requested that those two skunks remain outside of Arizona.

Mr. Ordway informed the Commission that the Maricopa County also has an ordinance in regards to restrictions on skunks and maybe something needed to be coordinated with the County.

Commissioner Golightly commented that the Department doesn't enforce county rules and regulations.

Motion Restated: Golightly moved and Chilton seconded THAT THE COMMISSION GRANT GARY MITCHELL AND CHRIS KOUDELKA'S REQUEST AND SUPPLY THE NECESSARY DOCUMENTS FOR A LICENSE FOR HOLDING WILDLIFE FOR THE LIFETIME OF ONE SKUNK CURRENTLY BEING HELD BY THE DEPARTMENT AND THAT THE DEPARTMENT IS GRANTED THE AUTHORITY TO ADD ADDITIONAL CONDITIONS TO THE HOLDING PERMIT TO ALLOW THE SKUNK TO BE HELD SAFELY.

Vote: Aye Golightly, McLean, Chilton
Nay Gilstrap, Melton
Passed 3 to 2

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9. Call to the Public

There were no request to speak from the public.

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10. Future Agenda Items

Steve Ferrell, Deputy Director, stated that he had captured 12 action items, but only 1 was a future agenda item.

- Take a leadership role in the planning and facilitation of Landscape Scale Forest Health and Restoration Projects per Commissioner Chilton's specific motion on yesterday's agenda item 1.
- Draft a thank you letter to Senator Johnson for her role in the firearms education in the classroom legislation, SB1271 and that would be prepared for Chairman Gilstrap's signature.
- On Monday, talk with Representative Nichols about satisfying his concerns regarding archery in SB1365 short of writing amendment language to satisfy that concern.
- Using a method or methods to be determined such as mailing or printing in the hunt regulations that there is a high volume of border traffic that may adversely impact hunts along the international border.
- Have trophy animals scored for future revocation hearings.
- Follow up on the adjudication of Steven P. Hardy for a citation issued on September 11, 2004 for shooting from a roadway.
- Investigate the status of the Sanchez muskrat case.
- Provide the Congressional Delegation with a list of examples of listed species in which the Department provided input and was ignored in the ultimate listing decisions of threatened and endangered species.
- Make sure that we have Camp Navajo contact information smoothed out before all the hunts get started this fall.
- Future Agenda Item – At the next meeting in May 2005, bring back a recommendation on how to deal with the 10% cap that remains on buffalo.
- Communicate with lessees and local residents regarding the regulations approved with the passage of Article 8 Rule that designates the Santa Rita Experimental Station as a Department wildlife area.
- In the future, when the Department proposes to change regulations within it's jurisdiction, that they provide evidence that local residents and lessees affected by those changes have offered their opinion.

Commissioner Chilton requested a list of the species that the Comprehensive Wildlife Plan mentions as in 139 birds and 56 amphibians; what kind of birds and what kind of amphibians.

Chairman Gilstrap asked the Department to find out if any action by the Department or Commission may harm the Gunnison prairie dog.

Chairman Gilstrap requested that the Department revisit issues related to big game raffle and auction tags and asked to be provided with the protocol on how those are distributed in order to be prepared when that time comes.

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Motion: Chilton moved and McLean seconded THAT THE MEETING ADJOURN.

Vote: Unanimous

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Meeting adjourned at 6:00 p.m.

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W. Hays Gilstrap, Chairman

Joe Melton, Member

Michael M. Golightly, Member

William H. McLean, Member

Sue Chilton, Member

ATTEST:

Duane L. Shroufe
Secretary and Director